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# The Effect of a State Legitimation Process on Child Support Payments and Father-Child Relationships

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# Walden University

College of Social and Behavioral Sciences

This is to certify that the doctoral dissertation by

Chalonda Smith

has been found to be complete and satisfactory in all respects,  
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Walden University  
2015

Abstract

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Relationships

by

Chalonda Smith

MS, Alabama State University, 1999

BSW, Alabama State University, 1996

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy and Public Administration

Walden University

February 2015

## Abstract

For noncustodial fathers, having legal rights and leaving an inheritance to their child or children are important aspects of being an active father. Georgia state law sees a difference between paternity and legitimation, and for some noncustodial fathers, although paternity is established and they are responsible for supporting that child financially and medically as deemed through child support enforcement, they have no legal rights to their children, nor can they petition the courts for visitation until legitimation is established. This correlational study examined the impact that the legitimation policy has on noncustodial fathers and their relationship with their child, as measured by visitation and attitudes toward child support obligations. Dunn's conceptualization of continuous policy analysis provided the theoretical foundation for the study. Online survey data were collected from a sample of 325 noncustodial fathers in the state of Georgia through the Department of Child Support Services Fatherhood Program. The Spearman's rho analysis revealed a weak, but statistically significant ( $p < .01$ ) and positive relationship between the level of knowledge of the legitimation process/policy and attitudes towards visitation of unmarried fathers who participate in the Fatherhood program as well as attitudes towards child support obligations. The findings of this study support Dunn's theoretical approach of continual policy analysis and provide evidence to and encouragement for policy makers to review the legitimation policy, synthesize conflicting views, and develop policy options that may include eliminating the legitimation process from Official Code of Georgia Annotated 19-7-22 (O.C.G.A.).

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## Dedication

I would like to dedicate this dissertation in loving memory my grandmother, Lillian Smith-Baxter, the first teacher in my life. I promised you two years ago as you prepared to transition that I would complete this journey in your honor. You are gone, but you are never forgotten. The two main men in my life, my children De'Andre and Jalen. Thank you both for the sacrifices and understanding as Mom endured this journey. I love you with all that is in me. Remember the race is not given to the swift or to the strong, but to the one who endure to the end!

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## Chapter 1: Introduction to the Study

### **Background**

There are many programs and policies that support increasing the involvement of unmarried fathers in their children's lives. Miller (2006) explained that these programs and policies, such as child support enforcement, Healthy Family Act 2007, and the welfare reform Personal Responsibility Work Opportunity Reconciliation Act (PRWORA, 1996), were efforts by policy makers (federal and state) to support fathers to provide emotional, financial, and physical support to their children. Although some public policies have moved a father's role to the head of the political agenda, few researchers have suggested that these policies have increased involvement of noncustodial fathers (Mikelson, 2008). Grall (2009) stated that in the United States, married parents living together share the parental rights and responsibility of their children. However, when parents do not reside together or are not married, the rights and responsibilities of the noncustodial father are complicated. Bronte-Tinkew et al. (2007) believed that despite the formation of a healthy two-parent family and programs that support responsible fatherhood, the welfare reform act did not provide specific guidelines, incentives, or sanctions to help states achieve goals as they relate to child support and unmarried fathers' involvement with their children.

Mincy et al. (2005) stated that establishing paternity is an important element of child support enforcement. They explained that each year about one third of all babies born in the United States are born to unmarried parents. The Georgia Division of Child Support Services (2007) determined that most Georgia counties surpass the national

average. To ensure that babies of unmarried parents obtain financial and emotional support, paternity should be established. In Georgia, establishing paternity does not provide for inheritance rights, familial rights, visitation, or other benefits (Carl Vinson Institute, 2005). When a child is born to unmarried parents, there is no legal relationship between the father and child. Unmarried parents can establish a legal relationship between the father and child, a process called paternity establishment or paternity. All states except Georgia establish paternity and legitimation at the same time (CVI, 2005). In Georgia, these actions are distinct and it is possible to not administratively acknowledge legitimation even when paternity is established, as the latter takes place through the hospital acknowledgement program. Legitimation requires a separate legal action (Division of Child Support Services, 2007).

The Healthy Family Act (2007) focused on the general knowledge of unmarried noncustodial fathers with an order to pay child support in the legitimation process as well as how this process relates to and/or affects the child support payments. The Georgia State policy that deals with process of legitimation has negatively impacted unmarried fathers because they realize that although paternity is established and they are responsible for supporting their child financially and medically as deemed through child support enforcement, they have no legal rights to their children. A narrative analysis of the Georgia legitimation policy will illustrate any policy discrepancies between expected and actual policy performance of the policy and its modifications. A semi structured survey allowed unmarried fathers to provide their knowledge of the process of petitioning the

court, their understanding of the legitimation process, as well as how this process affects their relationship with their child and paying ordered support payments.

### **Problem Statement**

The problem within the Georgia State policy deals with process of legitimation. The current law states that when paternity is established by the father, he must proceed to legitimize his child to have legal rights granted. Despite the current legislation as it relates to legitimation, unpaid child support and unhealthy parent-child relationships caused by the lack of visitation between unmarried noncustodial fathers and their children are common. This problem has negatively impacted unmarried fathers because they realize that although paternity is established and they are responsible for supporting that child financially and medically as deemed through child support enforcement, they have no legal rights to their children, nor can they petition the courts for visitation until legitimation is established. A policy analysis of Georgia's legitimation policy revealed how this bill affects the father and child relationship through visitation as well as the effect of child support payments. This study contributed to the body of knowledge needed to address the unintended consequences of the policy

### **Purpose of the Study**

The purpose of this policy analysis was to examine the impact of Georgia's legitimation policy and how the process affected unmarried noncustodial fathers. The aim was to increase the public's awareness and understanding of legitimation in Georgia in an effort to dispel myths and gain public support for policies that support healthy parent-child relationships. The purpose of this research was to investigate the



noncustodial parent's knowledge of the legitimization process as well as how this process related to and/or indirectly affected noncustodial fathers paying child support. A written report shown in Appendix A, provided the Division of Child Support Services (DCSS), Administrative of the Courts (AOC), and selected legislators with results and recommendations that were reviewed and presented to all stakeholders involved in the decision-making process within DCSS. The data from the written report were applicable to important decisions that were made regarding Georgia's legitimization policy. Specifically, the written report detailed an amended policy of the legitimization process, revealed how unmarried noncustodial fathers perceived the policy, and provided recommendations for policy makers in understanding why an amended policy is necessary for developing healthy families. The findings from this study were especially valuable to the DCSS Georgia Fatherhood Program as it outlined for the stakeholders how to proceed with amending the policy that will help with resources within the Fatherhood Program.

### **Significance of Study**

A father may file a legitimization petition in the superior court of the county in which he resides or of the county in which the child's resides (O.C.G.A 19-7-22). A petition can also be filed in the county where an adoption action is pending. If the mother is alive, she will receive notice of the petition. Upon filing, the court may pass an order affirming the child to be legitimate and to be capable of inheriting from the father in the same manner as if born in lawful wedlock and identifying the name by which the child shall be known (O.C.G.A 19-7-22). Upon a voluntary acknowledgement of paternity that

has not been rescinded pursuant to O.C.G.A. 19-7-46.1, the court may enter an order legitimating a child, provided it is in the child's best interest. Issues of visitation, name change, and custody shall not be determined by the court until a separate petition is filed by one of the parents or legal guardian of the child (O.C.G.A 19-7-22).

After July 2005, the new Senate Bill (SB) 53 allowed fathers to administratively legitimate their child when establishing paternity. It also allowed an action for legitimation to be filed in the county of the mother's residence or other persons having legal custody or guardianship (O.C.G.A 19-7-22). A father can claim custody and visitation within an action for legitimation, without the mother's consent, but using the best interest of the child standard (if domestic violence situation: primary safety and well-being of child and mother). SB 53 allowed the mother to be served and an opportunity to be heard as in other actions pursuant to the Georgia Civil Practice Act.

SB 88, which was passed in July 2008, created new code section 19-7-21.1. This bill limited voluntary acknowledgment of legitimation to the year before a child's first birthday. It also clarified that a voluntary acknowledgment of legitimation shall not be recognized if the mother was married to another man when the child was born, if at any time within the usual period of gestation there is another legal father, or if the mother has signed a voluntary acknowledgment of legitimation with another man (O.C.G.A. 19-7-21).

This study contributed knowledge that addresses the potential social impact of the current law on uncollected support and the direct and indirect social impacts for both the adults and children involved. This policy analysis was essential to public policy,

democratic governance, and social change. This analysis provided new knowledge concerning the best ways to offer representation to those who lack the education of legitimation. This analysis offered alternatives as to how policy makers review policies concerning unmarried noncustodial fathers and offered a more effective influence to the quality of individual and community lifestyles, thereby enhancing the stability of democratic governance by offering a revision in legislature policy relating to legitimation.

### **Research Questions**

RQ1: What is the demographic profile of unmarried fathers who participate in the Fatherhood program?

RQ2: What is the relationship between the level of knowledge of the legitimation process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program?

RQ3: What is the relationship between the level of knowledge of the legitimation process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program?

### **Rationale of the Study**

The purpose of the study was to contribute knowledge to legislators allowing them to review the current procedures of the law and make recommendations for changing the law so the process is less stressful and promotes healthy families. In this study, I unmarried noncustodial fathers' perspective of the policy were analyzed and

determined if there is a need for policy makers to make a change that will allow a less stressful process of the policy.

### **Definition of Terms**

The terms in this section are defined according to O.C.G.A. and the Georgia DCSS.

*Legitimation:* An action that allows the biological father of a child born in Georgia to establish legal rights to his child.

*Administrative acknowledgment of legitimation:* A voluntary declaration that is made that the mother and biological father consent and agree that the relationship between the child and father is considered legitimate.

*Paternity:* The biological condition of being a father; does not establish the legal relationship of the father/child.

*Evidence of paternity:* The appearance of the name or social security number (SSN) of the father, entered with his written consent on the birth certificate.

*Paternity acknowledgment form (PAF):* Allows for unmarried parents to establish paternity voluntarily.

*Genetic testing:* A type of medical test that identifies changes in chromosomes, genes, or proteins. The results of a genetic test can confirm or rule out a suspected genetic condition or help determine a person's chance of developing or passing on a genetic disorder.

*Child born out of wedlock:* A child whose parents are not married when that child is born or who do not subsequently intermarry.

*Noncustodial parent:* The parent who does not have primary care, custody, or control of a child and who has an obligation to pay child support.

*Child support:* The joint and several duty of each parent of a child born out of wedlock to provide for the maintenance, protection, and education of the child until he or she reaches the age of majority, except to the extent that the duty of one parent is otherwise or further defined by court order.

*Familial rights:* Those claims of immunity and assistance posed by the family unit.

*Petition:* A form filed with a court that requests that a judge do something for an individual.

### **Summary**

The conditions of Georgia's legitimation process have a significant impact on access and visitation, child support, and father-child relationships. Additional issues include political underrepresentation and economic and social segregation. This is important to the background of the research problem, hopefully these issues along with the knowledge of the process of legitimation will provide changes within the legislative and Georgia Child Support system.

Chapter 2 provides a review of the literature on paternity, child support orders, and legitimation. This section presents a comparison of multiple views in order to establish a theory concerning legitimation and the interaction between a father and child. This section provides a foundation for the study.

Chapter 3 provides a description of the research methods. A quantitative method was used to analyze the legitimation policy using a semi structured survey administered to unmarried noncustodial fathers. The survey allowed participants to answer questions in relation to the process of petitioning the court, their understanding of the legitimation process, as well as how this process affected the relationship with the child and paying ordered support payments. This method helped illustrate the effects of legitimation and paying child support orders. Chapter 4 presents the findings. Chapter 5 contains the implications for social and policy change and recommendations for future study.

## Chapter 2: Literature Review

### **Introduction**

Since the inception of the Office of Child Support Enforcement (OSCE) in 1975, the federal government has consistently focused on the financial responsibility of noncustodial parents by enacting legislation to improve states' capacity for identifying paternity, locating noncustodial fathers, and collecting child support. Most of the focus has been given to the time dimension and increasing noncustodial fathers' involvement in their children's lives (U.S. Department of Health and Human Services [DHHS], 2007). In recent years, the OCSE has focused on special populations such as Native Americans and other minority groups, especially African Americans and Hispanic Americans, in an effort to improve marriage rates, income stability of fathers, and compliance with child support orders being paid (DHHS, 2007). Despite comprehensive policy changes in the past decade, little evidence exists to measure whether and how policy changes have misrepresented fathers' involvement with their children.

In this chapter, Georgia's legitimation policy will recognized gaps from unmarried non custodial fathers' socio economic, educational, and geographical locations. These gaps will examined the effects of the state-level child support policy on unmarried fathers' involvement, knowledge of the legitimation policy, and child support payments. Many state-level public policies have had their intended effect of increasing fathers' involvement; however, other policies have decreased fathers' involvement. Policies that have increased one aspect of fathers' involvement (i.e., financial

responsibility) may have also decreased other aspects of fathers' involvement (i.e., accessibility and engagement).

To find relevant literature to support this study, the databases of *Academic Premier*, *Education Resources Information Center (ERIC)*, searches by the Walden Writing Center staff, and various online internet websites were utilized. The search also included Georgia's Department of Human Services, Georgia's General Assembly, federal and state agency documents, peer-reviewed journals, as well as Division of Child Support Services' agency reports. Key words such as *child support*, *paternity*, *noncustodial fathers*, *child support policy*, and *noncustodial father involvement* were used to search databases. The following literature review will evaluate and analyze studies and documents that are related to child support, legitimation, and visitation that has contributed to the knowledge base in an effort to build on previous knowledge to further develop recommendations to increase the unmarried noncustodial fathers' knowledge of legitimation and its process.

### **Legitimation History**

Prior to the 1950s, an illegitimate child was regarded as the child of the mother. The U.S. Supreme Court decided to create policies that removed the legal discrimination against bastardized children. In the case of *Levy v. Louisiana* (1968), the U.S. Supreme Court reversed a decision allowing five illegitimate children the ability to sue on a deceased parent's behalf. The decision primarily focused on the civil rights of illegitimate children, confirming that such a law would violate the Equal Protection Clause of the 14th Amendment. In 1973, the National Conference of Commissioners on Uniform State



Laws (NCCUSL) approved the original Uniform Parentage Act (UPA). The UPA affirmed equality for parents and children without regard to the parents' marital status (UPA, 1973). In the case of *Gomez v. Perez* (1973), it was decided that it was unconstitutional to deny a child born out of wedlock parental financial support. The court determined that Texas law violated the Equal Protection Clause of the 14th Amendment. The motive was to equalize the rights of illegitimate and legitimate children as well as reduce the financial liability for the support of illegitimate children (*Gomez v. Perez*, 1973). In 1982, the Georgia case *Poulos v. McMahn* allowed an illegitimate child to petition the courts to receive inheritance from the deceased father under intestacy law. The court ruled that the petitioner was the child of the deceased; however, the petition to receive distribution from the will was denied because of a lack of evidence. It was decided that it was unconstitutional that the Georgia Statute excluded a significant group of illegitimate children whose inheritance rights could be identified without jeopardizing the administration of estates (UPA, 1973). This case was decided under former O.C.G.A 53-4-4, which violated the Equal Protection Clause of the 14th Amendment.

### **Genetic Testing**

As the science of genetics advanced, its findings were applied to the establishment of paternity. Blood type testing was used to exclude men accused of fathering children out of wedlock (DHHS, 2002). Although genetic testing represented a step forward in establishing paternity, it still had its limitations (DHHS, 2002). Attorneys had to lay the foundation for the admission of the scientific evidence and expert

testimony, which was not always uniformly accepted by the courts (DHHS, 2002). Blood typing, although useful, could not identify the father of a child, but could only exclude possible fathers; however, in the case Estate of Warren (2009), genetic testing was favorable under O.C.G.A 52-2-3(2) (B). A daughter was given the right to inherit from the estate of her deceased father because she produced parentage-determinative genetic testing. This genetic testing was able to establish that there was at least a 97% probability that she was the child of the father.

Georgia DHS and Division of Child Support Services (DCSS) does not support mandatory genetic testing in hospitals for unmarried parents due to the financial impact it would have on low-income families. DCSS (2008) reported that under paternity services offered by the agency, it would cost families \$93; however, if families were not eligible for services, fees can range from \$200 to \$600 depending on the size of the family. A review of both paternity and legitimation statutes were needed to decrease the financial burden for unmarried parents and increase the emotional support to produce healthy families.

Prior to July 2005, unmarried fathers had to petition the court to grant visitation rights or custody of the children. As many unmarried fathers began to understand the increased child support enforcement, payments and visitation began to decrease (Miller, 2006). Georgia State University reported (as cited in DCSS, 2008) fathers with custody pay child support 90% of the time, fathers with visitation and no custody pay 79% of the time and fathers with neither custody or visitation pay 44% of the time.

### **Georgia Access & Visitation Program**

DCSS offers a Child Access and Visitation Program that is funded by OCSE. DCSS (2009) asserted that it is in the best interest of the child for unmarried fathers to have an opportunity to accomplish legitimation through voluntary legitimation on the paternity affidavit. Program participants' knowledge of the legitimation policy as well as DCSS Access and Visitation program have received little attention until this study. The voluntary program does not offer services throughout Georgia (only in Atlanta, Augusta, Macon, and Middle Georgia) and it does not offer legal assistance, only resources, which discouraged unmarried fathers from moving forward with legitimation since it is not offered in the areas where they reside.

Georgia's legitimating policy and the role of access and visitation within the state make fathers' involvement difficult. Georgia's DCSS promotes the financial and emotional involvement of fathers with their children; however, legitimation dispels this emotional involvement because it precedes or accompanies a filing for visitation (DCSS, 2009). Legitimation is a prerequisite for obtaining a visitation order (DCSS, 2009). There is a need for analyzing Georgia's legitimation policy due to the lack of knowledge that many unmarried noncustodial fathers have about the legitimation process.

Given the federal and state policies that support unmarried noncustodial father's involvement with their children, Georgia policy on legitimation (O.C.G.A 19-7-22), stated that when paternity is established by the father, he must proceed to legitimize his child to have legal rights and visitation granted (Final Report, 2004). With this policy in place, unpaid child support and unhealthy relationships between unmarried fathers and

their children are common (DCSS, 2009). A policy analysis of Georgia's legitimation policy revealed an understanding of whether this bill impacts fathers' involvement with their children as well as the effect on child support payments.

### **Paternity Establishment Process**

Historically, paternity was proven through somewhat unreliable means. Defendants in criminal paternity proceedings were entitled to jury trials, at which evidence might consist of testimony regarding the parents' relationship, the mother's relationships with other potential fathers, and the physical resemblance of the child to the defendant (AOC, 2010). Often, without an admission by the alleged father, it was difficult to establish paternity under the law. As a result of the amendments in 1984 and 1988 under Title IV-D of the Social Security Act, states shifted from judicial proceedings to simplified civil procedures for establishing paternity (Collins & Erfle, 1985). Civil procedures required meeting paternity goals, adopting genetic testing protocol, and receiving social security numbers of both parents before they obtain birth certificates. If states did not comply they risked losing federal funds in child support programs.

In 1993, as part of the Omnibus Reconciliation Act, states were mandated to develop an in-hospital paternity acknowledgement process (Mincy et al., 2005). The new welfare reform law of 1996, PRWORA, had two primary concerns: (a) to reduce dependency on state assistance by holding both parents accountable, and (b) to mandate states to modify procedures establishing paternity, locating noncustodial parents (NCP), and collecting current support and arrears (Lipscomb, 2005).

Paternity establishment became a serious issue with lifelong consequences for children and parents. Mincy et al. (2005) explained that paternity has been an important part of the child support enforcement program due to the increase in unwed births, the increase of female-headed homes that are in poverty, and the fact that children of unmarried parents are less likely to have a child support order because paternity must be established first. There is a correlation between early paternity establishment and the frequency of child support payments (Bronte-Tinkew, Bowie, & Moore, 2007). Congress required states to provide in-hospital acknowledgment programs to allow unmarried parents to establish paternity of a child. The Paternity Acknowledgement Form (PAF) allows unmarried parents to establish paternity voluntarily to ensure the child's rights. Mincy et al. explained that in spite of mandates by Congress and the commitment of OCSE to the process in-hospital establishment, states were left without guidelines or mandatory requirements, which led to different programs across the states.

Under Georgia law, the relationship between a father and child can be recognized through paternity and legitimation. Georgia is the only state that has this additional layer of legitimation; the explanation is a part of the state's continuum to establishing custodial rights: paternity, legitimation, and custodial/visitation rights. Paternity, under Georgia law (O.C.G.A 19-7-40), established the biological condition of being a father, but does not establish the legal relationship between the father and child. Paternity proceedings are under the jurisdiction of Superior and State Courts and are not subject to a jury trial in the State of Georgia. Evidence of paternity, under Georgia law (O.C.G.A. 19-7-46), exist when the child receives the father's last name and would appear on the birth certificate as

a result of signing a PAF; however, this does not give the father legal rights or access to visitation with this child until legitimation is established. The PAF is available at all Georgia hospitals at the time of birth of a child. Hospital staff is trained to inform parents of their rights and responsibilities associated with the PAF and to provide assistance in completing the form, if needed. If a PAF is not completed prior to discharge from the hospital, one can be completed later at the registrar's office of the county in which the child was born or at the State Office of Vital Records in Atlanta. There is no charge for PAF up to one year following the child's birth; however, after the child's first birthday Vital Records can charge a fee. Both parents must sign the same PAF and each signature must be witnessed by a Notary Public. A picture ID of both parents is also required. Once the PAF is recorded with Vital Records, it becomes a legal determination of paternity (O.C.G.A. 19-7-46). Although legal determination of paternity is made, it still can be challenged by either parties on the basis of duress, fraud, and material mistake of fact.

Under Georgia law, the completion of the PAF allows the father's name to be added to the birth certificate, financial support to be received from the father, and social security benefits provided to the children from the (AOC, 2010). The main purpose for fathers to utilize the voluntary process of paternity is that it can be used in the furtherance of efforts to legalize the relationship with fathers and their children. A father's name is added to the Putative Father registry only when the father also submits a Putative Registration Form to the Georgia State Office of Vital Records (O.C.G.A 19-7-40).

Under Georgia law, DCSS may seek administrative determination of paternity through the Office of Administrative Hearings (OSAH; Administrative Offices of the Courts, 2010). OSAH has the authority to rule over paternity; however, the alleged father may request a trial in Superior Court (O.C.G.A 19-7-40). This procedure has an effect as a judicial decree. This law supports that whether a man has been adjudicated or voluntarily acknowledged paternity, he may be liable for child support in the same manner if the child was born within a marriage. DCSS requires that genetic testing is performed on all IV-D establishment cases and add on other child cases as a standard practice, where a child is born out of wedlock and paternity has not been legally established (DCSS, 2008)

### **Legitimation Process: Efforts to Respond to Social Issues**

Prior to 2005, the State of Georgia addressed legitimation differently from the rest of the United States (Radwin, 2005). In the other 49 states, paternity establishment also meant establishing legitimation at the same time, thus establishing all legal rights and duties associated with legitimation. In Georgia, besides marrying the mother of a child, legitimation is the only legal action that allows a father to establish legal rights to his child (O.C.G.A. 19-7-22). In the case of *Quilloin v. Walcott* (1978) a child was born out of wedlock and lived only with the mother until she married another man. Eight years after marriage, the husband petitioned to adopt the child. The unmarried father visited the child many times but provided child support inconsistently. After the adoption petition was filed, the unmarried father decided to seek visitation rights and legitimation (establishing paternity). The Georgia Court granted the adoption to the husband based on

the child's best interest. The decision favored the marriage and family and public policy allowed full parental power given to mothers which allowed fathers a chance to join the family. Paternity establishment and legitimation are two separate actions.

Unlike paternity, an unmarried father could not administratively acknowledge legitimation through the paternity acknowledgment form at the time of a child's birth. Legitimation required a separate action in which unmarried fathers could only legitimate a child by hiring an attorney, which most could not afford (Sussman & Boggess, 2005). The legitimation process established a child in the State of Georgia to inheritance from his or her legal father and vice versa. A court order of legitimation is the only way that a father of a child born out of wedlock can be acknowledged as the legal father and therefore petition for custody and visitation of this child (O.C.G.A. 19-7-22). In the State of Georgia, the Superior and Juvenile Courts have jurisdiction in legitimation cases (O.S.G.A 19-7-22). The father; however, has no absolute right to having his petition for legitimation granted. In the case of *Mabry v. Tadlock* (1981) a father was denied legitimation based on the best interest of the child. The mother and father of the children lived together for two and three years, without marrying, during which time the two minor children were born. The mother then left and shortly thereafter married another man. The case presented evidence that the unmarried father decided he wanted to support and marry the mother of his children after she married another man. Evidence proved that the petition was not brought in good faith. The unmarried father failed to reveal adequate parental and paternal interest in the children. The courts believed that granting this petition would harm the children by legitimating them and disrupting their



presently stable family unit. At the time of the petition, the Tadlocks had been married and living together for over two years, the children accepted their mother's present husband as their father, and there was ample evidence that he had supplied all support in the home environment as well as mental and emotional needs of the children as a loving parent.

In 2005, SB 53 a revised O.C.G.A 19-7-22 allowed unmarried fathers to administratively legitimize their child when establishing paternity through the in-hospital voluntary acknowledgement program by completing the PAF. The acknowledgement of legitimation is located at the bottom of the PAF. Both parents must consent and agree to the voluntary statement that states the relationship between the father and child should be considered legal for all reasons under Georgia's law (O.C.G.A. 19-7-22). Both parents must sign the same PAF and each signature must be witnessed by a Notary Public. Signing the top section of the PAF does not constitute a legal determination of legitimation which is the bottom section of the PAF. Claims of custody and visitation can be decided in an action for legitimation without the mother's consent, as long as the best interest of the child standard was applied. This law has resulted in a substantial number of fathers voluntarily legitimizing their children so they can have the opportunity to establish a father-child relationship. DCSS (2005) reported that 53,000 births were to unmarried parents in Georgia and about 29,000 fathers acknowledged paternity through in-hospital paternity form. DCSS (2005) also reported that in July of 2005 when the bill passed; 4,250 fathers legitimized their children at the same time paternity was acknowledged. This eliminated the need to obtain a court order.

In 2008, SB 88 created a new code section O.C.G.A. 19-7-21.1, which limits voluntary acknowledgment of legitimation to the child's first birthday. Both parents must consent and agree to the voluntary statement that states that the relationship between the father and child should be considered legal for all reasons under Georgia's law (O.C.G.A. 19-7-22). Both parents must show picture ID, sign the PAF, and it must be notarized. This new law explained that a voluntary acknowledgment of legitimation shall not be recognized, if the child was born while the mother was married to another man (O.C.G.A. 19-7-21.1). It also stated the legitimation is not identified at any time within the usual period of gestation if there is another legal father, or if the mother has signed a voluntary acknowledgment of legitimation with another man. In the case of *Veal v. Veal* (2006), a married woman was granted full custody after parties divorced. The child was born before parties were married and father sign the birth certificate knowing that he was not the child's biological father.

### **The Judicial Process**

If paternity or legitimation has not been established through the voluntary acknowledgement process, a single petition for paternity and legitimation may be filed at any time after the first birthday of the child by the father (AOC, 2010). He may proceed to establish his relationship with the child legally by petitioning the court in the county of the residence where the child's mother or legal guardian of the child resides. If the mother or legal guardian of the child resides outside the state or cannot be located, the petition may be filed in the county of the father's residence or the county where the child resides (AOC, 2010). The petition shall have the name, age, and sex of the child, the

name of the mother, and, if the father desires the name of the child to be changed, the new name. Upon the presentation and filing of the petition, the court may pass an order declaring the father's relationship with the child to be legal (O.C.G.A. 19-7-22). At this time the father and child shall be capable of inheriting from each other in the same manner as if born in lawful wedlock.

If the mother is alive, she shall be named as a party and be served to be provided an opportunity to be heard as in other civil actions under Chapter 11 of Title 9, the Georgia Civil Practice Act (O.C.G.A. 19-7-22). The mother can contest the legitimation in Georgia by alleging that the petitioner is not the biological father or that he is unfit and denying legitimation is in the best interest of the child. The court will determine whether to grant a petition for legitimation in Georgia based on the best interest of the child. In *re J.B.K.* (1984), the father was denied legitimation due to the best interest of the child. After the birth of the child, the mother put herself through college and obtained a degree that allowed her to become gainfully employed as a physical therapist. The mother made several attempts to establish a paternal relationship between the child and the unmarried father but those efforts were unavailing due to the father's unwillingness to sacrifice any single life pleasures for the child. The father's disregarded the mother's request as to the safety and welfare of the child when in his custody lead to the decision by the court.

### **Child Support**

When DCSS brings a petition to establish the paternity of a child, issues of name change, visitation, and custody shall not be determined by the court until a separate petition is filed by one of the parents or by the legal guardian of the child (O.C.G.A. 19-

7-22). If a party other than DCSS has petitioned, or if the alleged father seeks legitimization, the court may determine issues of name change, visitation, and custody (O.C.G.A. 19-7-22). Custody of the child shall remain in the mother until a court order is entered addressing the issue of custody (O.C.G.A. 19-7-22). The father shall not be authorized to receive custody until there is a judicial hearing to determine custody (O.C.G.A. 19-7-21.1). In the case of *Pruitt v. Lindsey* (1991), a mother was denied right to file an action to modify a child support order as well as legitimate the child. The unmarried father pled guilty to child abandonment in which the state suspended jail time and ordered the father to pay child support. The mother filed a petition seeking to modify and legitimate a child. The mother was denied legitimization because only a father can request to legitimize a child. As for the modification the mother was informed that she had to petition the original court in which the order was granted. This petition can include claims for visitation, parenting time or custody (O.C.G.A. 19-7-22).

DCSS may file a petition to establish paternity for the benefit of a child for whom a mother or legal guardian has applied for Temporary Assistance for Needy Families (TANF); the alleged father may seek an attorney to proceed with the legitimization of the child (O.C.G.A.19-7-22). In the case of *Department of Human Resources (DHR) v. Jones* (1994), the father was ordered to pay \$615 a month in child support as order by DHR. In a legitimization hearing in another county, the father was granted legitimization and ordered to pay \$500 a month in child support. DHR learned of the court's decision and challenged the decision. It was established that DHR was the proper party to appeal

the decision and father was order to pay the amount established by DHR, although the mother was not receiving TANF benefits anymore.

### **Adoption**

Under Georgia law, no adoption of a child born in wedlock is permitted without the consent of each living parent (including divorced or separated parents) who has not voluntarily surrendered rights of the child or been adjudicated as an unfit parent (O.C.G.A. 19-7-22). In contrast, Georgia codes 74-403 (3) and 74-203 provided that only the mother's consent is required for the adoption of an illegitimate child; however, the father may acquire veto authority over the adoption if he has legitimized the child. Georgia law explained, if a petition for the adoption of the child is pending, the father must file the petition for legitimation in the county in which the adoption petition is filed (O.C.G.A. 19-7-22). In the case, *Quilloin v. Walcott* (1977) a father of an illegitimate child was denied the authority to prevent the adoption of the child by the husband of the child's mother. The alleged father had not attempted to legitimize the child, who had always been in the mother's custody and was then living with the mother and her husband. In opposing the adoption, the alleged father petitioned to legitimize the child but not to secure custody. The Trial Court, granted the adoption on the grounds that it was in the "best interests of the child" and that legitimation by the alleged father was not in the best interest of the child.

### **Family Violence**

In the case of family violence, a parenting plan may be in place; however, the court will consider the primary safety of the mother and child (O.C.G.A. 19-7-22).

Again, this is where the best interest of the child standard is applied. Courts cannot decide issues of custody in a legitimation proceeding; however, if a demand for a jury trial to request and transfer to superior court for visitation and custody to be addressed. In the case of *Sims v. Pope* (1971), the father was granted custody during a trial. The father filed a petition in the Superior Court against the children's grandmother (Sims) alleging that he had legitimized the children, which their mother was deceased. The children were being illegally held from his custody by the grandmother, which the father was willing to support them until she denied their paternity. Provided the he is the children's father and there are no alleged abandonment, he is entitled to their custody

### **Disestablishment Process**

In the State of Georgia, there are specific steps to disestablish paternity and legitimation. A father that has signed the PAF may rescind the acknowledgement within 60 days for signing the form, unless an order has already established paternity (AOC, 2010). This action will remove the father from the Putative Father Registry; however, a court order is required to remove the father's name from the birth certificate as well as changing the child's last name (O.C.G.A. 19-7-22). This action will also rescind acknowledgement of legitimation; if legitimation is completed on the PAF.

After 60 days, the paternity acknowledgement may be challenged in court but only on the basis of fraud, duress, or lack of knowledge/understanding of PAF; however, the individual challenging this must have burden of proof through genetic testing (O.C.G.A. 19-7-46.1). Any legal responsibilities of the petitioner such as child support obligations will not be suspended during the challenge. A motion to set aside a

determination of paternity may be filed in Superior Court (O.C.G.A. 19-7-54). Filing a motion will not result in immediate disestablishment; however, the court will need an affidavit showing newly discovered evidence about paternity as well as results of genetic testing conducted 90 days before the motion is filed to show that the person ordered to pay child support is not the biological father (O.C.G.A. 19-7-54). In the case of *Williamson v. Williamson* (2010), the wife came forward with no evidence that disestablishment would be in the child's best interest. An individual can also file an extraordinary motion for new trial if he can prove that he was not aware of being a father before the order was issued and when the paternity issue was brought to his attention, he acted immediately to investigate. This motion, like motion to set aside may not result in disestablishment.

### **Other States' Paternity Literature**

In other states, the paternity establishment means establishing legitimation at the same time. Pennsylvania's literature regarding establishing paternity stated that when a child is born to unmarried parents, there is no legal relationship between the father and child (CVI, 2005). This legal relationship can be established through paternity establishment (CVI, 2005). In Texas, under the Parenting and Paternity Awareness Program, it stated that an unmarried man or a man other than the mother's husband has to establish paternity to become the legal father (CVI, 2005). The goal of the federal mandate for state voluntary paternity establishment programs was to increase the rates for establishing paternity (Miller, 2006). Most of the research on these programs were how well states implemented the program and if it was successful in increasing paternity

establishment. Some assessments supported the effectiveness of the legislative efforts to increase paternity. Mincy et al. (2005) explained that evaluations of voluntary paternity establishment demonstration programs within particular states showed that programs with lower fees and immediate response times improved parent outreach that ultimately increased paternity established rates. Turner (as cited in Mincy et al., 2005) surveyed unwed parents in seven cities that examined the effectiveness of the in-hospital paternity establishment mandate. Turner found that the staff-to-caseload ratio increased the probability that mothers were approached about paternity establishment and that having an in-hospital paternity program had no significant effect on increased paternity establishment. Brown et al. (2005) found that various bureaucratic efficiencies increased the rate of voluntary acknowledgement were limited fees and necessary signatures, having hospital staff approached unmarried parents and explain the acknowledgement procedure, and assist parents with all required documents.

In 2005, a collaborative project was initiated to document the existing practices in Georgia's Judicial Circuits in relation to legitimation proceedings. Superior and Juvenile Court judges were surveyed to acquire a better understanding as to how the current paternity/legitimation laws were being administered. It also allowed courts to comment on the possible impact of SB 53/ O.C.G.A. 17-7-22 (CVI, 2005). There were 93 respondents to the survey. Over 91% stated that they hear legitimation actions in their court; however, 78% stated that they hear less than five legitimation petitions per month. In understanding the criteria for filing a legitimation petition in Georgia, 77% stated that their court does not require any action such as acknowledgement of paternity on birth



certificate, establishment of paternity by genetic testing and/or written consent of birth mother prior to a petition being filed.

This survey (CVI, 2005) asked about the potential impact of SB53/O.C.G.A 19-7-

22. The comments from judges in support of the change were as follows:

- “That the new procedure will save time and money by using one action” (CVI, 2005, p. 18).
- “DNA should be required and affordable, regardless of the circumstances” (CVI, 2005, p. 18).
- “appears to be a good change in law” (CVI, 2005, p. 18).
- “child support, visitation, custody and legitimation should be handled together in one proceeding. Not fair to dads to get child support but withhold the rest” (CVI, 2005, p. 18).
- “requiring a separate action to obtain visitation is absurd!” (CVI, p. 21).

Although the changed in this law had occurred other judges stated:

- “the bill is not clearly written and found it difficult to understand the provision about voluntary acknowledgement” (CVI, 2005, p. 19).
- “there has not been any publicity or notification to judges about the change in the law” (CVI, 2005, p. 19).
- “the new procedure requires parties to prepare for legitimation and visitation when the court may never hear the visitation issue” (CVI, 2005, p. 19).

Fifty-six percent of the superior court judges found that 25% or less represent themselves in their legitimation cases; however, the majority of the judges stated that the issue of

domestic violence is raised as an objection in only ten percent of less of the legitimation and custody/visitation cases heard (CVI, 2005). Most of the judges believed that a public policy decision needed to give courts clear instructions to require DNA testing.

Pearson and Thoennes (as cited in National Center on Fathers and Families, 2005) studied that voluntary paternity acknowledgements can increase if unmarried parents are systematically approached if the benefits are explained, parents are assisted in the process of completing the paternity acknowledgement form, and if the process was simplified. They stated that although the paternity acknowledgement process has changed over the years, it is still viewed by many unmarried parents with little or no trust.

### **Gaps in Current Literature**

Most prior researchers in this area have focused on custodial parents and their right to child support and the laws that protect those rights. Empirical research examining the impact of child support enforcement and policies that involved legitimation as it relates to fathers' involvement, knowledge of legitimation policy as well as child support payments are limited. Two studies that have shown the impact of child support enforcement policies on fathers' involvement were written by Plotnick, Garfinkel, and McLanahan (2004) and Huang (2006). Huang discussed how state and federal governments strengthen the child support enforcement to prevent noncustodial fathers from financially abandoning their children. Greene and Moore (2000) provided a thorough review of the literature evaluating the impact of child support payments on fathers' involvement, although they do not always distinguished between divorced and unmarried fathers. Many state programs did not specifically analyze the relationship

between voluntary paternity acknowledgement and child support payments; however, they provide information on organizational, demographic, and socioeconomic factors associated with the use of voluntary paternity acknowledgement. Carlson (2007) reported that most of means-tested programs were created for children who lost their father through death, divorce, or abandonment. Carlson stated that policymakers were not concerned that programs they developed would undermine the relationship between the mother and father. Parents' Fair Share (PFS) was developed to improve fathers' labor market outcomes and/or strengthen fathers' connection to their children (Carlson, 2007). Carlson evaluated the PFS program that highlighted the difficulty and complexity of improving employment and earnings for low-income men and the fact that child support and welfare programs are not equipped to meet the needs of low-income fathers. Carlson shared that the PFS did not increase the unmarried noncustodial fathers' visit with their children due to intervention in the program occurring too late. The majority of these studies examined actual child support payments rather than policies. Cooksey and Craig (1998) examined the relationship between child support payments and father-child involvement with unmarried noncustodial fathers and revealed significantly lower levels of involvement.

### **Goals and Objectives**

The goals of the research are (a) to identify a demographic profile of DCSS Fatherhood participants and examine the impact of the legitimization policy on unmarried fathers, (b) examine unmarried father's knowledge of the legitimization policy, and (c) to evaluate how the process affects the relationship between the unmarried fathers and their

children. The objective is to increase the public's awareness and understanding of the legitimization policy in Georgia in an effort to dispel myths and gain public support for policies that support healthy parent-child relationships as well as increasing child support payments.

### **Theoretical Framework**

Economic and social theories are ambiguous to the net effects of child support, legitimization, and visitation. Theories of family interaction describe several pathways through which child support payments are correlated with father-child contact; however, an integrated policy analysis will utilize Dunn's conceptual framework. Dunn (2004) explained that integrated policy analysis seeks to join retrospective and prospective forms of analysis as one continuous process. In this manner, descriptive analyses, concerned with problem-structuring and normative analysis, concerned with problem-solving are implemented. As shown in Figure 1, the framework identifies the major elements of policy analysis which are policy informational components, policy-analytic methods, and policy informational transformations. The framework then relates how the methods of problem structuring, monitoring, evaluation, forecasting, and recommendation affect each of these elements (Dunn, 2004, p.15).

### **Problem Structuring**

Dunn (2004) presented the components of policy analysis as a continuous cycle. He believed that the goal of problem-structuring is to challenge the assumptions underlying the definition of problems. Dunn explained the problem-structuring assists in discovering hidden assumptions, diagnosing causes, mapping possible objectives,

synthesizing conflicting views, and designing new policy options. Dunn believed that problem structuring is a central guidance system that affects the success of all phases of policy analysis. The U.S. Supreme Court decided to create policies that removed legal discrimination against illegitimate children. In cases such as *Levy v. Louisiana* (1968), *Gomez v. Perez* (1973), and *Poulos v. McMahn* (1982) the conclusions determined that the Equal Protection Clause of the 14th Amendment was being violated. In which most states had to review and revise new policies as it related to paternity and legitimation. To ensure that babies of unmarried parents obtained financial and medical support, paternity policies that included legitimation were established in most states. In Georgia, establishing paternity does not include legitimation which has to be established in order for an unmarried noncustodial father to receive visitation. As reported by the DCSS (2007), legitimation requires a separate legal action. This separate legal action not only can cause a financial strain for the noncustodial father, it also has a direct effect on father-child relationships because visitation is not established or honor by the custodial parent.

### **Forecasting**

Dunn (2004) stated that forecasting expected outcomes provides information about likely consequences and helps examine plausible outcomes, future constraints, and political feasibility of different options. In Georgia, mandatory genetic testing in hospitals created a huge financial impact for low income families in which a review of both paternity and legitimation statues were needed to decrease the financial burden. Under Georgia law (O.C. G. A. 19-7-40), paternity established the biological condition of

being a father; however, it does not establish a legal relationship between a father and child. Evidence of paternity (O.C.G.A 19-7-46) is when a child has the father's last name and the father is included on the birth certificate. The policy allowed fathers to sign a PAF that would allow fathers' name on the birth certificate without going through the judicial process under Superior Courts. Hospital staff explain the process, both parents sign, and have PAF notarized at hospital where PAF is only available. This information is submitted to vital records to be added to birth certificate, and for the child to receive financial support from father as well as social security benefits. Policy makers believed that completing the voluntary PAF would help facilitate the legitimation process. Once recorded in vital records it becomes a legal determination of paternity (O.C.G.A 19-7-46). Other options of the law (O.C.G.A 19-7-40), is that DCSS may seek administrative determination of paternity with OSHA as a standard practice.

In Georgia, legitimation is the only legal action that allows a father to establish legal rights to his child, besides marrying the mother (O.C.G.A. 19-7-22). Legitimation is a separate court action which requires hiring an attorney which in most cases unmarried noncustodial fathers cannot afford. This process that requires a court order, is the only way an unmarried fathers can petition the courts for visitation to create a healthy relationship with their children. Legitimation is not granted because unmarried noncustodial fathers petition the courts for legal rights. Courts make a decision based on the best interest of the child.

Georgia policy makers made revisions to Georgia Law (O.C.G.A.19-7-22) twice. In 2005, SB 53 allowed unmarried noncustodial fathers to administratively legitimate

their children when establishing paternity by completing the PAF in which the legitimation section at bottom of PAF. It is the responsibility of the hospital staff to inform parents when completing the PAF about the legitimation section on the form. During this revision of the law many fathers were able to establish legitimation, which eliminated the father hiring an attorney for the court order.

The second revision was SB 88. In 2008, this bill put a limit on the voluntary PAF for legitimation to the child's first birth day. If fathers are not informed of the legitimation section of the PAF, a financial burden is created when hiring an attorney and following the judicial process. The judicial process has many requirements that only someone with a legal background can achieve legitimation for unmarried fathers.

### **Recommending**

Dunn (2004) stated that forecasting does not offer reasons why policy makers should value one expected outcome over another. Dunn described that the process of recommending preferred policies aid in estimating risks, identifying externalities, and specifying criteria for making choices. Dunn explained that recommendations will address a number of questions such as: whose needs, values, and opportunities are at issue; and what alternatives are available for their satisfaction? Is there a cost to attain objectives and what are the constraints? Are there side effects, spillovers, and other consequences that should be considered as a cost or benefit? The data obtained from this study that will answer the research questions that will serve as a vital resource in recommending and assisting the Georgia General Assembly with the decision-making process to SB 53 and SB 88.

**Monitoring**

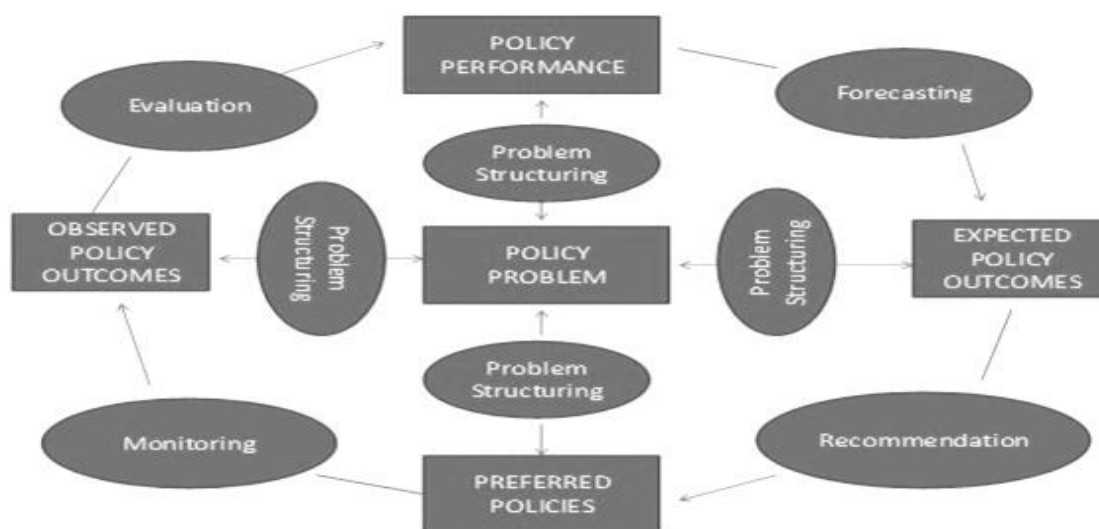
Dunn (2004) used monitoring as a procedure used to produce information about the causes and consequences of public policies. Dunn explained that monitoring observed policy outcomes provides information about adopted policies. Dunn stated that monitoring plays a vital methodological role in policy analysis. Monitoring transforms policy actions into policy outcomes, which are then transformed through problem structuring into a policy problem. Information about policy outcomes are also converted through evaluation into information about policy performance.

In 2005, Superior and Juvenile Court judges were surveyed to acquire better knowledge of how SB 53/O.C.G.A 19-7-22 was being administered (CVI, 2005). The survey ask about the potential impact of the Georgia law. The overall comments in the survey were in favor to the new voluntary PAF for legitimation; however, found the bill not clearly written and difficult to understand the provision as it related to the voluntary acknowledgement form. The judges requested clear instructions on the policy. Pearson and Theonnes (as cited in national Center on Fathers and Families, 2005) reported that voluntary paternity acknowledgements can increase if unmarried parents are approached and the benefits are explained, assistance is provided in the process of completing the form, and the process simplified because many unmarried parents have little knowledge or trust. In 2008, SB 88 was created. The relationship between policy operations and outcomes have not been monitored by this bill. The data from this study will also monitor SB 88 and provide recommendations as reported.



## Evaluating

Dunn (2004) stated that evaluation refers to the assembly of information about the values and worth of policy outcomes. Dunn believed that policy outcomes have value because of the contribution to goals and objectives in which a policy may have attained some significant level of performance. An evaluation of observed policy outcomes provide information about discrepancies between expected and actual policy performance. A review of both SB 53 and SB 88 will analyze what happened, what difference it made (Retrospective Analysis), as well as what will happen and what should be done (Prospective Analysis).



*Figure 1.* Dunn's framework for integrated policy analysis. Adapted from "Public Policy Analysis: An Introduction," by W. Dunn, 2004, p. 4. Copyright 2004 by the Pearson Education, Inc. Adapted with permission.

Dunn (2004) reported that relationships among policy-informational component, policy-analytic methods, and policy-informational transformations provided a basis for

contrasting different forms of policy analysis. This study will review how the legitimization process was created and revised to reduce a financial burden to unmarried noncustodial fathers and increase visitation between unmarried fathers and their children; however, the policy gaps identified offers recommendations as to how policy makers will achieve the intended goals and objectives of this law. The policy framework was applied to Georgia's legitimization policy and unmarried fathers' lack of knowledge as it relates to legal rights to their children. This problem resulted in the lack of visitation that contributed to unhealthy relationships between unmarried fathers and their children. Georgia is the only state that requires a separate court process to legitimize a child born outside of marriage and has no simple process for establishing the legal status of unmarried fathers at the birth of a children. The law at that time required a court proceeding, in addition to finding or acknowledging of paternity, to legitimizing the child and establishing the unmarried father as the parent. This complicated and often costly process of establishing paternity, legitimization, and custody and visitation orders was a recognized barrier to such children receiving child support, accessing eligibility to social services programs, and being supported by both parents. This policy has been revised twice in 2005 and 2008. The 2005 revision allows unmarried fathers to legitimize their children on the in-hospital paternity form; whereas, the 2008 revision provides that as well, but limits the time on fathers completing the legitimization process prior to the child's first birthday. This change resulted in unmarried fathers seeking legal assistance that became costly. This study will identify and explore how the legitimization process hinders healthy relationships (problem-structuring), recommend possible alternatives, forecast the

consequences of the policy, and provide criteria for monitoring and evaluating the process of the policy with regard to improving relationships between unmarried fathers and their children.

### **Summary**

The Federal Office of Child Support Enforcement (OCSE) is the power base behind child support policies. Those that strongly support welfare reform would probably support the revamping of child support policies. This chapter examined the extent to which the legitimation policy and process affects an unmarried noncustodial fathers' involvement with their children. By exploiting the policy, this chapter examined the impact of the state law on legitimation over time. This literature review provided an overview of the history of the federal mandate for paternity establishment as well as the background and purpose of the legitimation policy process from its inception to the present. For the purpose of clarifying how the lack of knowledge and unhealthy relationships between unmarried fathers and their children have been affected by the policy, surveys were conducted on unmarried fathers that participated in Georgia's Fatherhood Program. Lastly, the literature review explained the steps in disestablishing paternity and legitimation that may show an effect on unmarried fathers and their children. Chapter 3 presents the methods as to how this study will be conducted. It will provide an overview of the design and approach in conducting this study. Chapter 5 contains the implications for social and policy change including recommendations for future study.

## Chapter 3: Research Methods

### **Introduction**

The Department of Human Services (DHS; as cited in Families in Society Report, 2002) stated that increased legitimization decreases welfare dependency. The child placement policy of DHS requires that before a father or his family could be considered a resource for child placement, he has to establish legitimization (DCSS, 2008). DCSS (as cited in National Center on Health Statistics, 2008) also reported that fatherless children are 100 to 200% more likely to have behavioral and educational problems. This chapter provides details as to how this study will analyze Georgia's legitimization policy. The study will focus on unmarried noncustodial fathers' general knowledge of the legitimization process as well as how this policy and its amendments affected the father-child relationship. The aim is to increase the public's awareness and understanding of legitimization in Georgia in an effort to dispel myths and gain public support for policies that support healthy parent-child relationships.

The Georgia Fatherhood Program was created in 1997 by DCSS as a work initiative. This program provides education and job training to noncustodial fathers ages 18 and above statewide annually. The program offers life skills, job training, GED, short term training such as truck driving; as well as long term training that include assistance with community college tuition. Noncustodial Parents (NCPs) are referred to the program if they have a child support order and are delinquent on child support payments. While the goal of the program is to increase child support payments, it offers resources to participants to assist in overcoming barriers with being a father. An enrollment

orientation offers education about DCSS, the Fatherhood Program, and other community resources associated with fatherhood in Georgia such as legitimation, access and visitation, and reentry.

The use of primary and secondary resources of existing Georgia State policies, surveys, and reports that were completed by the Administrative Office of the Courts. This includes use of public knowledge to achieve the goal of the study. In this study, the data sources reviewed includes Georgia's Department of Human Services, Georgia's General Assembly, federal and state agency documents, online data sources which included LexisNexis, peer review journals, Administrative Office of the Courts, as well as Division of Child Support Services' agency reports. The state of Georgia is the only state that uses legitimation as a second step to establishing paternity. Although there are federal regulations, states are allowed to develop its own determination in proceeding with paternity in child support cases. It's beneficial to use sources that are associated within the state. The policy analysis of Dunn's framework was also utilized. Dunn's (2004) integrated policy analysis assist with policy discrepancies between expected and actual policy performance.

Connelly and Clandinin (1990) explained that narrative analysis focus on human knowledge more than collecting and analyzing data. Connelly and Clandinin believed that knowledge alone is more beneficial and significant even if one person has the knowledge. A semi structured survey will allow unmarried noncustodial fathers to voice their understanding of the legitimation process. It will ask how the process affects noncustodial fathers from paying child support as ordered as well as how legitimation

affects the father-child relationship. This chapter will outline the methodology that is used to collect and analyze data for the policy analysis. Information in this chapter includes research design, questions, sample selection, instrumentation, data collection, and research ethics.

### **Research Design and Approach**

Due to the legitimization policy only affects unmarried fathers in the state of Georgia, there was limited information on studies being conducted outside the state to proceed with a qualitative approach. The gap in the literature led to the dismissal of qualitative research method, although an intensive study could be conducted through a mixed method approach. For the sake of analyzing the legitimization policy, a quantitative approach design is conducted. This approach is to get the perspective of the participants about their experience with the legitimization policy. Each quantitative approach is reviewed for the best approach of the study. A true experiment is characterized by random assignment of subjects to experimental conditions and the use of experimental controls; this design is not beneficial to the study as this approach establishes cause and effect relationships among a group of variables that make up a the study (Shadish, Cook, & Campbell, 2002). Due to the nature of the participants' diverse backgrounds, the experimental approach was eliminated. According to Creswell (2013), like experimental design, quasi-experimental design encompasses the manipulation of the independent variable to examine the consequence of that variable on another (dependent) variable. The key difference between experimental and quasi-experimental design is that quasi-experimental does not involve random assignment of subjects to groups nor does it

deliver cause and effect, which is the reason it was not selected for this study.

Correlational research determines whether there is direct relationships between two or more sets of variables from the same list of individuals (Creswell, 2013). The tests provide a statistical yes or no as to whether a significant relationship or correlation exists between the variables. Creswell believed that in this type of design, relationships between and among a number of facts are pursued and understood. Correlation research identifies trends and patterns in data, but does not go so far in its analysis to prove causes for these observed patterns and its effect. The data, relationships, and distributions of variables are studied only. Variables are studied in the natural setting and not manipulated. Correlation analysis is selected in order to analyze the unmarried noncustodial father's experience/knowledge with the legitimization process. This process can only be done by allowing each individual to share their own experience and how this policy has caused and effected them individually. It also reviewed what role the process will play in visitation with their children.

### **Research Questions**

RQ1: What is the demographic profile of unmarried fathers that participate in the Fatherhood program?

RQ2: What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program?

RQ3: What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program?

### **Research Null Hypotheses**

HO1: There is no statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participate in the Fatherhood program.

HO2: There is no statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program.

### **Research Alternative Hypotheses**

HA1: There is a statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participate in the Fatherhood program.

HA2: There is a statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the child support obligations of unmarried fathers that participate in the Fatherhood program.

### **Sample Population**

The sample population in this analysis consist of unmarried fathers participating in the Fatherhood Program. DCSS Fatherhood Program male participants that have a court order to pay child support were surveyed. Due to the voluntary nature of the



survey, it's anticipated that at least 90% of the total sample population would participate. The sample size selection is the number of unmarried male program participants who have been in the program 0 to 9 months. This group is selected because participants were educated on legitimization within the first 3 months of the program, access and visitation, and program expectations that will allow for survey questions to have validity. Because the Fatherhood Program participation time frame for NCPs is 0 to 9 months, this particular group allows the study to analyze the knowledge based and services of the program from the participants' perspective. In order to be eligible for the Fatherhood Program the participants must meet the following criteria: (a) be unemployed or underemployed, (b) be a noncustodial parent, (c) have an active Georgia DCSS child support case, and (d) be delinquent for 30 days or more on child support payments.

There are a total of 2,400 participants in the Georgia Fatherhood Program. To generate a 95% confidence interval that predicted the proportion of who would represent the population within plus or minus 4.7%, the study had a sample size of 368 of all the program participants. The sample size was determined based on the sample calculator from the Survey System.

### **Instrumentation**

For this study, a survey was constructed that was conducive to the research questions. The Fatherhood Survey was reviewed for clarity and content by several professionals providing services in the Fatherhood Program as well as two professors in the Public Policy and Public Administration Department at Walden University. Reviewers included three Fatherhood agents that are in different regions of the program

(Columbus, GA; Carrollton, GA; and Marietta, GA) and the Fatherhood Program supervisor. A pilot test was completed by the Columbus, GA office in which 20 participants reviewed, completed, and provided feedback of the survey.

The Fatherhood Survey was administered to gather information regarding unmarried noncustodial father's knowledge of the Georgia's Legitimation process. The survey and questions were created and revised based on the feedback as a result of the pilot test and focus group. The 10-minute, 22-question survey collected quantitative data from unmarried fathers who have been enrolled in the program up to 9 months in four areas: demographic data, visitation with children, child support payments, and knowledge base of the legitimation process. Section 1 of the survey consisted of closed-ended questions that collected NCPs demographic information as well as knowledge of the legitimation policy, which explained the population effected by the policy as well as their level of knowledge of the law. This information offered insight in regards to the education level of the unmarried fathers and how it might affect their knowledge of the policy. In Section 2, participants answered statements that were on a 4-point Likert scale. The scale is rated with 4 = *strongly agree*, 3 = *agree*, 2 = *disagree*, and 1 = *strongly disagree*. These sections allowed participants to identify and rate how Georgia's legitimation process hinders healthy relationships between an unmarried fathers and their children. It also allowed a chance to understand the participants' level or lack of knowledge as it relates to the legal right to their children. This section will assist in how the community will be educated on the process.

### **Data Collection**

During weekly workshops, unmarried noncustodial fathers who agreed to participate in an online semi structured survey completed questions about their knowledge of the legitimization policy and process, visitation with their children, and payment history. To reduce persuasion of thought, participants were only asked to take a survey and given limited information about what the survey entailed. Some general information was given in order for the participants to agree to participate. Although it is known that the participants' payment history is delinquent, questions associated with visitation and the policy were provided to see if a better understanding of the policy may increase participants' ability to pay.

All Fatherhood participants are required to have an e-mail address within the first week of enrollment into the program. This requirement allows participants to communicate with their Fatherhood Agent as well as market themselves with online applications, since most employers have an online application process. There are 2,400 Fatherhood participants in the state of Georgia. The semi structured questions and informed consents were given to 368 participants that are divided across the state based on the program's work grid. The survey given through Survey Monkey first with and provided follow up in participants' weekly workshops due to the target number not received within two weeks from Survey Monkey request. Individuals who used English as a second language were provided a translator to assist and written materials were translated as well to ensure participants understanding of study.

For this study, the survey was administered to gather information regarding unmarried fathers' knowledge of the legitimization policy in Georgia. The survey and questions were developed based on the research questions that will be answered in this study. Documentation of informed consent were obtained from all participants, noting that the survey is voluntary. The 10-minute, 22-question survey collected quantitative data from unmarried fathers who have been enrolled in the program 0 to 9 months.

All of the information in this study were collected from the completed survey instrument as well as primary documents such as State Statute 19-7-40, 19-7-22 and 15-11-28 and secondary data sources such as peer review journals, law reviews, websites, and other supporting documents were used to complete a narrative analysis of the policy. Prior to the collection of the data, the researcher applied for and obtained permission from the Georgia Fatherhood Program Manager to administer the survey instrument to NCPs enrolled in the program in order to collect data and also applied for an obtained Walden University IRB approval (#12-12-13-0056746).

Upon approval, dates were scheduled to send Survey Monkey link to Fatherhood agents to e-mail to Fatherhood participants to complete the survey. The data collected in this policy analysis study consisted of demographical and quantitative responses to questions on the survey instrument. The demographic data included race, age, education level, length of time in the program, county in which they reside, and county in which children reside.

### **Data Analysis**

For this study, a quantitative survey data from the Fatherhood participants were collected and loaded into the Statistical Package for the Social Sciences (SPSS) software version 20.0 to calculate the descriptive and correlation coefficient data. A Spearman rho correlation coefficient analysis was used to analyze the data to determine if there is a statistically significant correlation between the level of knowledge of the legitimation process/policy and attitudes toward child support obligations and visitation of unmarried fathers that participate in the Fatherhood program. The statistical level of significance was set at an alpha level of 0.05 representing a 95.0% confidence level. This level of significance was used to determine the acceptance (fail to reject) or rejection (fail to accept) of the research null and alternative hypotheses. The research null and alternative hypotheses for the research study are as follows.

### **Research Null Hypotheses**

HO1: There is no statistically significant relationship between the level of knowledge of the legitimation process/policy and attitudes toward the visitation of unmarried fathers that participate in the Fatherhood program.

HO2: There is no statistically significant relationship between the level of knowledge of the legitimation process/policy and attitudes toward the child support obligations of unmarried fathers that participate in the Fatherhood program.

### **Research Alternative Hypotheses**

HA1: There is a statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participate in the Fatherhood program.

HA2: There is a statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the child support obligations of unmarried fathers that participate in the Fatherhood program.

### **Role of Researcher**

In the narrative analysis, the researcher was to find the voice of unmarried fathers and provide a description of unmarried fathers' knowledge of the legitimization policy based on their experience with the process. In this study, ethical standards are respected as well as many logistical and personal issues unique to this particular research. Each NCP has their own unique story about DCSS, their relationship with their children, relationship with the custodial parent (mother), and child support payments; however, the information from the survey was relied on as well as resources to present a written narrative. It was also important that the researcher (a single parent) did not have a bias based on her own experience. Facets associated with being a good researcher using quantitative research such as the post positivism, subjectivist, constructivist, and using the philosophy of critical realism were associated in this research process.

### **Justification of Methods**

Because the sample is nonrandom, generalization is avoided. The use of the nonrandom sample eliminated external validity. In other words, it cannot be assumed

that this test applied to citizens who do not have a child support order would generate the same results (Heck, 2004). Alternatively, the method is reliable because similar tests, whether in another state or in the future, should generate consistent data (Heck, 2004). The study acknowledged the fact that there may be other causes for statistical significance. Correlation is not causation (Morgan & Gliner, 2000). This study allowed only for inferences to be made concerning participation in Georgia's Fatherhood program. In the next chapter of this study, Chapter 4, presents the findings in narrative report.

## Chapter 4: Results

### **Introduction**

The purpose of this study was to analyze Georgia's legitimation policy and examine the impact of how the process affects unmarried noncustodial fathers. Its aim is increase the public's awareness and understanding of the policy, as well as dispel myths and gain public support of policies that support healthy parent/child relationships. Specifically, the study sought to determine how results could encourage legislators to review and revise the policy to support healthy parent/child relationships. Furthermore, this study served as an evaluative tool to determine if further investigation of unmarried noncustodial parent's knowledge of the legitimation process would be needed to improve child support payments and increase relationships between unmarried noncustodial fathers and their children. The data obtained from the study served as a vital tool in assisting the Georgia General Assembly with the decision-making process regarding SB 53 and SB 88.

This chapter presents an analysis of the results generated from the surveys that were administered to Georgia Division of Child Support Fatherhood program participants. There are a total of 2,400 participants in the program, of which 368 were surveyed. The chapter is divided into two sections.

The first section provides a description of the participants in the study, examining the personal and demographic characteristics of the participants and the county in which they lived. The second section of the chapter addresses each of the research questions in



the study, summarizing statistical analyses that were conducted. The research questions used to guide this study are as follows:

- RQ1: What is the demographic profile of unmarried fathers that participate in the Fatherhood program?
- RQ2: What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program?
- RQ3: What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program?

### **Pilot Study**

Reviewers included three Fatherhood agents that are in different regions of the program (Columbus, GA; Carrollton, GA; and Marietta, GA) and the Fatherhood Program Supervisor. A pilot test was completed by the Columbus, GA office in which 20 participants reviewed, completed, and provided feedback on the survey. Based on the feedback from the participants the survey was revised to have more structure and flow of the questions. The survey was placed in sections as it related to demographics, visitation with children, child support payments, and knowledge of the legitimization process.

### **Data Collection**

The survey was constructed and conducive to the research questions. The Fatherhood Survey was distributed to 368 program participants in the DCSS Child Support Fatherhood program via Survey Monkey. Follow-up visits were conducted in

participants' weekly workshops because the target number was not received within 2 weeks from Survey Monkey request. Due to the Georgia DHS's policy and guidelines, data collection took a total of 11 weeks to complete the research for the participants. Although approval was granted by DHS commissioner and DCSS director, the researcher had to present the dissertation and its purpose to the Associate General Counsel of Georgia DHS. Three hundred and twenty-five participants completed a survey, resulting in an 88.3% return rate. The first section of the survey instrument inquired about the demographic characteristics of the program participants from a personal perspective as well as the demographic characteristics regarding the county in which they lived. The purpose of collecting the demographic information was to describe descriptively the participants and their county to help enhance the data results. Personal demographic data that were collected included participants age, racial and ethnic status, length of program participation in Fatherhood program, highest degree earned, amount of child support order, and do participants pay as ordered. The child support demographic data collected included if the participant pays child support as ordered. To address the demographic data, frequency tables were utilized as a procedure to review how different categories of values throughout the demographic section were distributed in the sample.

## **Participants**

**Personal demographics.** All participants (N = 325) who returned a completed survey were DCSS Fatherhood program participants during the 2014 program enrollment. According to personal demographic characteristics shown in Appendix B,

the majority of the participants who returned a survey were African American (86.5%) enrolled in the Fatherhood program for less than 2 months (67.9%).

In terms of age, participants were defined as young if they were between the ages of 20-29 years; participants who reported that they were 30-39 and 40-49 years of age were considered to be middle aged; whereas, participants that report their age of 50 years old or more were categorized as older. Results showed that there was a relatively close distribution for middle aged participants 30-39 (43.4%) and 40-49 (30.2%) and that the majority (34.3%) had completed high school. Some participants reported living in the city of Atlanta that could impact the actual county in which the participant resides.

Atlanta can be divided into four distinct, geographic regions. The counties within each region are considered part of the metro area that spans nearly 50 miles in all directions of the city of Atlanta. The actual City of Atlanta is located in Fulton County, in which 15.7% reported living in Fulton County. In addition, 11.4% reported living in DeKalb County and 10.8% in Clayton County which are a part of the metro area.

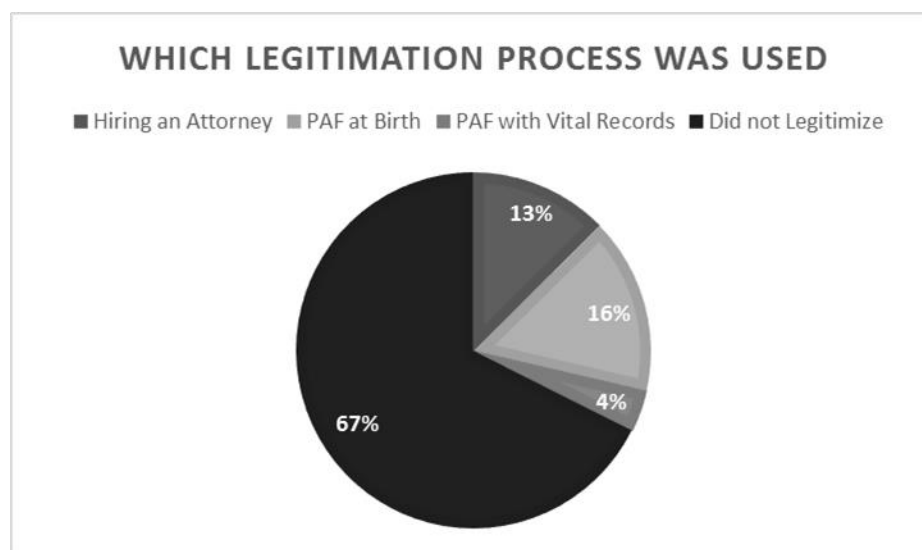
The final personal demographic questions asked respondents if they pay the child support as ordered and the amount paid monthly. Participants were able to respond with a yes or no as it related to paying child support as ordered and provide an amount range as to what is paid monthly. Results showed that there was a close distribution of responses as 49.4% of the respondents reported yes to paying their child support as ordered; whereas, 50.6% reported not paying as ordered. Results showed a close distribution for participants paying over \$500 per month (31.1%) and participants paying

\$200-\$299 per month (23.4%); whereas, there was a slight equal distribution for monthly orders that ranged \$400-\$499 (17.3%) and \$300-\$399 (17.6%).

### **Legitimation Knowledge**

Research Question 2 asked about the relationship between the level of knowledge of the legitimation process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program?

In Section 2 of the survey, participants were asked to indicate their level of knowledge in understanding the legitimation policy by identifying their response on a 4-point Likert scale. The scale had values that ranged from 1 that indicated that they strongly agree to the statement of legitimation knowledge to 4 that indicated that they strongly disagree to the statement. Figures 2 through 6 show an overview of the overall knowledge of the legitimation process and understanding of the policy. This includes which process was used to have a child legitimized, if the child was legitimized through Georgia legal process; should participants be required to spend time with their children, selecting the correct legitimation process, should the legitimation process be eliminated after paternity is established, and should participants be offered visitation and supportive services. In terms of the participants' process of how their children was legitimized, the largest numbers of respondents (67.6%) did not legitimizing their children. Figure 2 illustrated those participants (32.4%) that did legitimize, (12.6%) completed the process by hiring an attorney, (16%) by completing the PAF at birth, and (3.8%) by completing the PAF with vital records before the children's first birthday.



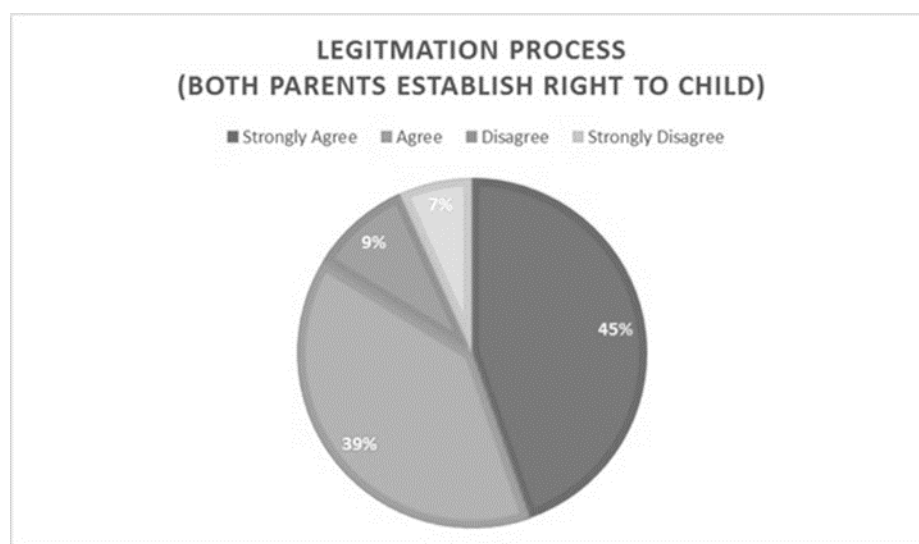
*Figure 2.* Percentage of which legitimization process was used by participants.

Respondents (40.1%) agreed that they should pay child support even if they are aware that they do not have legal rights to their children. In addition, results showed a slight gap between participants hiring an attorney to complete the process (12.3 %) and participants completing the Paternity Affidavit Form in the hospital (16.0%).

Legitimation process is an action that allows the biological father to establish legal rights to his children, 51.3% strongly agreed (Figure 3); whereas, figure 4 illustrated that 44.7% strongly agreed that the process is an action that allows both biological parents to establish legal rights to their children.

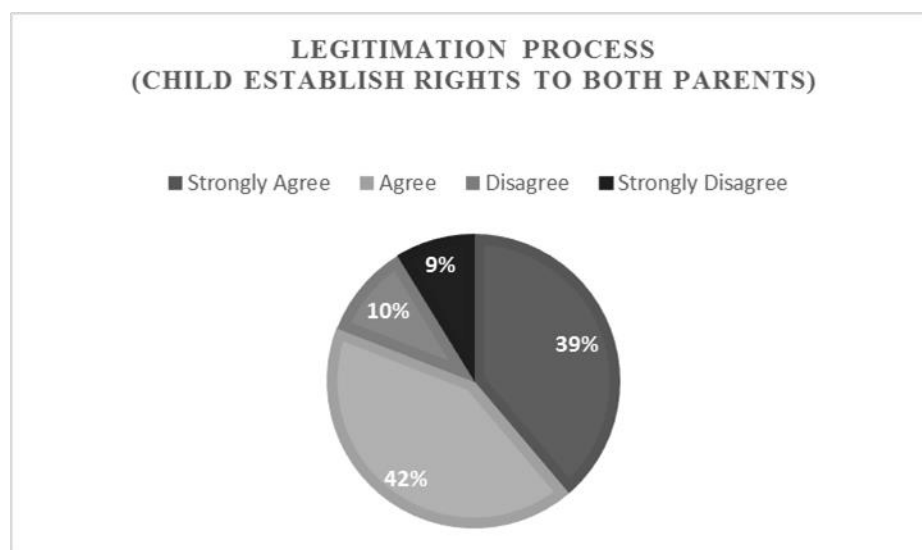


*Figure 3.* Percentage of biological father establishing rights to his child.

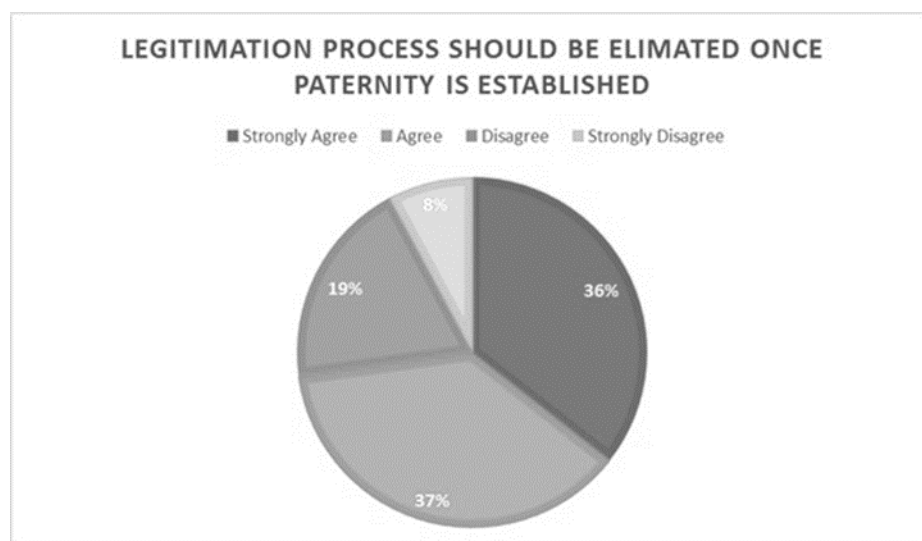


*Figure 4.* Illustration of both parents establishing rights to child.

Figure 5 showed that 39% strongly agreed that the process allowed the children to establish legal rights to his/her parents. As for the legitimation process being eliminated once paternity is established, Figure 6 illustrated that there was a close distribution of *strongly agree* (35.6%) and *agree* (37.2%).



*Figure 5.* Percentage of child establishing right to both parents.



*Figure 6.* Illustration of responses of eliminating the legitimation process once paternity is established.

The third section of the survey allowed subjects to agree or disagree with several statements about their opinion of visitation and supportive services that should be offered within the DCSS Fatherhood program for participants. The questions were based on a 4-

point Likert scale with 1 being *strongly agree*, 2 being *agree*, 3 being *disagree*, and 4 being *strongly disagree*. Appendix C provided a percentage of request for mediation services in this study, 49.4% of the participants *strongly agreed* that mediation services between parents should be offered, 57.8% *strongly agree* that legal services (see Appendix D), 54.9% *strongly agree* that a written parenting plan between parents should be offered (see Appendix E) , 50.6% *strongly agree* that coordination of visitation or parenting time between parents should be offered (see Appendix F), as well as 52.9% *strongly agree* that support services should be provided to establish paternity before the court can order child support and medical services in the Fatherhood Program (see Appendix G).

The last three questions in the survey asked participants to share their opinion regarding child support financial obligations. Table 1 shows that 53.6% of the participants *strongly agreed* that both parent incomes should be considered when child support orders are established based on the Georgia Child Support Guidelines. There was a significant gap where participants *disagreed* with noncustodial parent being held in contempt for not obeying financial and medical order (36.3%) and 24.4% *disagree* with the child support order being deducted from non–custodial parent pay check.



Table 1

*Financial Obligations*

Statement	SA	A	D	SD
Child support orders should be established based on the Georgia Child Support Guidelines, which consider the income of both parents and the number of children	53.6	37.9	6.2	2.3
After the child support order is in place, the support amount should be deducted from the non-custodial parents' paycheck	20.5	42.9	24.4	12.2
If the non-custodial parent does not obey a child support order or maintain medical insurance, they may be found in contempt of court and may be fined, sentenced to jail or both.	11.4	19.6	36.3	32.7

*Note. SA = strongly agree; A = agree; D = disagree; SD = strongly disagree.*

Research Question 3 asked, what is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program? To address this research question, a Spearman Rho Correlation Coefficient test was run on the level of knowledge of the policy and attitudes towards child support obligations and visitation.

**Analysis of Research Hypothesis 1**

Following are the analysis for the research null hypotheses for the study investigating unmarried noncustodial fathers' knowledge of the legitimization process as well as how this process relates and/or in directly affect unmarried non- custodial fathers paying child support.

HO1: There is no statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program.

HA1: There is a statistically significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program.

### **Analysis of Research Null Hypothesis 1**

A Spearman rho correlation coefficient was used to determine if there was any significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the fatherhood program. At the 0.050 level of significance, the calculated Spearman Rho analysis yielded a correlation coefficient of 0.383 with a two-tail significance of 0.000. The two-tail significance of .01 was less than the level of significance (.050). As a result of the Spearman Rho analysis, the null hypothesis is rejected. Therefore there is a weak relationship between the level of knowledge of the legitimization process/policy and attitudes towards visitation of unmarried fathers that participate in the Fatherhood program.

The Spearman Rho Correlation Coefficient results for the research null hypothesis are presented in Table 2

Table 2

*Spearman Rho Coefficient Results*

	Knowledge of Policy			Visitation Attitude		
	<i>N</i>	<u>Spearman Rho</u>	<u>Sig. (2-tailed)</u>	<i>N</i>	<u>Spearman Rho</u>	<u>Sig. (2-tailed)</u>
Knowledge of Policy	309	1		308	0.383	0
Visitation Attitude	308	0.383	0	308	1	

**Analysis of Research Hypothesis 2**

Following are the analysis for the research null hypotheses for the study investigating unmarried noncustodial fathers' knowledge of the legitimation process as well as how this process relates and/or in directly affect unmarried noncustodial fathers paying child support.

HO1: There is no statistically significant relationship between the level of knowledge of the legitimation process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program.

HA1: There is a statistically significant relationship between the level of knowledge of the legitimation process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program.

**Analysis of Research Null Hypothesis 2**

A Spearman Rho Correlation Coefficient was used to determine if there was any significant relationship between the level of knowledge of the legitimation process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program. At the 0.050 level of significance, the calculated Spearman Rho

analysis yielded a correlation coefficient of 0.330 with a two-tail significance of 0.01.

The two-tail significance of .01 was less than the level of significance (.050). As a result of the Spearman Rho analysis, the null hypothesis is rejected. Therefore, there is a weak significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program.

The Spearman Rho Correlation Coefficient results for the research null hypothesis are presented in Table 3

Table 3

*Spearman Rho Coefficient Results*

	Knowledge of Policy			Support Obligations		
	<u>N</u>	<u>Spearman Rho</u>	<u>Sig. (2-tailed)</u>	<u>N</u>	<u>Spearman Rho</u>	<u>Sig. (2-tailed)</u>
Knowledge of Policy	309	1	0.000	306	0.330	0.000
Support Obligations	306	0.330	0.000	307	1	0.000

### Summary

This chapter presented data analysis for the 3 research questions concerning the affects of the legitimization process to child support payments and visitation between a father and child. The data provided a demographic profile of DCSS Fatherhood participants and their level of knowledge of the legitimization process/policy. The data analysis revealed that there is a weak relationship between participants' knowledge of the policy and attitudes toward child support obligations including visitation. Chapter 5 focus on interpretation of the results of the study. Beginning with an explanation into why the analysis was conducted, Chapter 5 explores implications for social change and

recommendations for action based upon analysis results, and suggestions for future research for legislators to reconsider the effects of this policy and move to revise it.

## Chapter 5: Conclusion and Recommendations

### **Introduction**

There are many programs and policies that support increasing fathers' involvement to strengthen families and improve father-child relations (Lundahl, 2007). Magill-Evans (2006) reported that programs that focus on active father-child involvement have been shown to enhance fathers' contact with their children and increase positive views of their children. Interventions that include both mothers and fathers prove progress within a child's behavior (Lundahl, 2006). Despite the formation of evidence supporting programs that support responsible fatherhood, the Georgia legitimization process/policy makes it difficult to support any programs that encourage fathers' involvement.

This study is to identify the demographic profile of the DCSS Fatherhood participants and examine the impacts of Georgia's legitimization policy. It will also show how its process affects unmarried noncustodial father's decision to spend time with their children and pay child support obligations. A written report of this study was provided to DHS/DCSS of the findings, results, and recommendations that were reviewed and presented to stakeholders involved in the decision-making process including a State Representative to support the revision SB 53 and SB 88 during legislative days at the Georgia Capitol. The data from the report were applicable to important future decisions to be made regarding those two Senate Bills and services offered by DCSS Fatherhood Program. Specifically, the summary detailed how these bills have negatively impacted unmarried noncustodial fathers and the social implications as well as provided

recommendations for internal stakeholders (DHS/DCSS/Legislators) to revise or develop a policy/process that is more in line with supporting healthy families and fathers involvement with their children. The findings from this study were also invaluable to DCSS, as DCSS makes the final determination whether there should be additional supportive services to Fatherhood Program participants in order for them to gain true knowledge of the process and strengthen father-child relationships as well as using both parents' income to determine child support orders based on the Georgia child support guidelines.

There were two hypotheses posed at the outset of this study. First, it was hypothesized that there is no statistical significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participated in the Fatherhood program. Secondly, there is no statistical significant relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participated in the Fatherhood program.

The results showed that unmarried noncustodial fathers lack knowledge of the legitimization process/policy; but were aware that the policy exist. The survey demonstrated that Fatherhood participants had different views as to what the true meaning of the legitimization process/policy. The study addressed three major research inquiries.

1. What is the demographic profile of unmarried fathers that participate in the Fatherhood program?

2. What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward visitation of unmarried fathers that participate in the Fatherhood program?
3. What is the relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participate in the Fatherhood program?

In gaining the answers to these research questions, the study demonstrated the following conclusions. First, although the majority of the Fatherhood participants were African-American, the legitimization process/policy affects all socio-economic backgrounds; especially if the participant lacks knowledge of the policy or resources to support completing the process. Secondly, offering legal and supportive services to Fatherhood participants in the program will offer more knowledge of the process and support healthy family relationships. Finally, responses identified that there is a weak relationship between the legitimization process/policy and attitudes towards visitation and child support obligations. This chapter includes a summary of results, conclusions, recommendations and implications for social change.

### **Demographic Profile of Participants**

Based on the research conducted, the average DCSS Fatherhood Program participants were African American males between the ages of 30-49 years of age. Of the 325 participants completing the survey, the majority (34.3%) of the participants completed high school and had obtained a diploma. Twenty-one percent of the participants completed a GED program and 18.6 % of the participants did not complete



high school. The educational background of the remaining participants (26.1%) ranged from technical college to a graduate degree.

DCSS Fatherhood Program is divided into 9 regions that covers a total of 159 counties. As stated, some participants reported living in the city of Atlanta which could impact the actual county in which the participant resides. The majority of the respondents resided in the Metro-Atlanta area that spans nearly 50 miles in all directions of the city of Atlanta. The actual city of Atlanta is located in Fulton County, in which 15.7% reported living in Fulton County. In addition, 11.4% reported living in DeKalb County and 10.8% in Clayton County which are a part of the Metro-Atlanta area. Completion of the Fatherhood Program generally takes 6 to 9 months. The majority (67.9%) of the participants completing the survey reported being in the program less than 3 months. Many of the participants (31.1%) reported paying over \$500 in child support and also reported not paying as ordered (50.6%).

### **Implications of Findings**

The second research question investigated the relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participated in the Fatherhood Program. The findings from this study showed support of the hypotheses and provided key implications relative to the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers in the Program. These implications have consequently generated recommendations useful to DCSS Fatherhood Program as it continues to look for innovative ways to help support healthy parent-child relationships. The findings from

this study showed that there is a very weak relationship between the level of knowledge of the legitimization process/policy and attitudes toward the visitation of unmarried fathers that participated in the Fatherhood Program. This study showed evidence that participants, although in the Fatherhood program, did not completely understand the policy and its process. This result is evidence based on three questions in the survey that provided actions as it related to what is the legitimization process.

Legitimation is a process that requires the biological father to establish legal rights to his child based on (O.C.G.A 19-7-22) which includes SB 53 and SB 88.

Participants are given several ways to complete the legitimization process by:

- Hiring an attorney
- Completing a PAF
- Completing a PAF with vital records before the child's first birthday.

The majority of the participants (68%) reported not completing the process at all; meaning that paternity was established in order for them to pay child support, but do not have legal rights to their children, which includes visitation and the unmarried noncustodial father heavily depending on the biological mother to allow visitation.

Although the majority of the participants reported not completing the process, they (40%) *agree* that unmarried noncustodial fathers should be required to pay child support and *strongly agree* (46%) that they have visitation established. Thirty-seven percent of the participants surveyed *agreed* that the legitimization process should be eliminated once paternity is established and (35.6%) *strongly agreed*. The remainder of the respondents (27.2%) either *strongly disagreed* or *disagreed* that the legitimization process be eliminated

once paternity has been established. Participants were surveyed in regards to supportive services offered by the Fatherhood program. The supportive services identified in the survey are legal services, mediation between both parents, written parenting plans, and coordination of visitation. The majority of the participants (53%) *strongly agreed* that these services should be offered in the program to assist unmarried fathers in gaining more knowledge of the process/policy and increase visitation.

The third research question investigated the relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participated in the Fatherhood Program. In regard to relationships between these two variables, the null hypothesis was rejected showing that there was a significantly weak relationship between the level of knowledge of the legitimization process/policy and attitudes toward child support obligations of unmarried fathers that participated in the Fatherhood program. Although no statistical significance was found based on the Spearman rho correlation coefficient test conducted on these two variables, it should be noted that valuable information could still be drawn from the findings surrounding both research questions 2 and 3. Participants surveyed and the majority responded in agreement that legal and support services should be offered in the Fatherhood program that will allow unmarried noncustodial fathers to gain more knowledge of establishing paternity and the legitimization process. Participants agreed that they would like for both parents income and the number of children to be considered when child support orders are being established based on the Georgia child support guidelines. It is clear that participants were in support of paying child support even if

they did not complete the legitimation process; however, they did not support having child support deducted from their paychecks.

Dunn (2004) presented the components of policy analysis as a continuous cycle. Dunn believed that the goal of problem-structuring is to challenge the assumptions underlying the definition of problems. Dunn explained the problem-structuring assist in discovering hidden assumptions, diagnosing causes, mapping possible objectives, synthesizing conflicting views, and designing new policy options. He stated that forecasting expected outcomes provide information about likely consequences and helps examine plausible outcomes, future constraints, and political feasibility of different options. Dunn described that the process of recommending preferred policies aid in estimating risks, identifying externalities, and specifying criteria for making choices.

In addressing the literature review's foundation concerning this study, the findings showed that although the State of Georgia made several revisions to the legitimation policy to have a more efficient process, unmarried fathers still lack the knowledge in the process. Dunn (2004) commented that when analyst use simple problem solving methods to resolve complex problems; they potentially solve the wrong problem. Legislators revised the policy twice in 2005 and 2008. The 2005 revision allowed unmarried fathers to legitimize their children on the in-hospital paternity affidavit form. The 2008 revision provided legitimation on the PAF, but put a limitation on fathers completing the legitimation prior to the child's first birthday. This complicated and often costly process of establishing paternity, legitimation, and visitation orders not only confused unmarried noncustodial fathers; judges reported (CVI, 2005)

being confused with the provisions in regards to the voluntary acknowledgement. Judges also stated (CVI, 2005), “it was not fair for dads to pay child support but withhold the rest.” The rest was reported as child support, visitation, custody and legitimation which should be handled together in one proceeding.

### **Limitations**

This study used survey methodology to collect data in order to understand the level of participants’ knowledge of the legitimation process/policy. This will assist the DCSS in making appropriate decisions regarding more legal and support services to participants in the program that will increase the level of knowledge as it relates to legitimation. In addition, offer recommendations to stakeholders for implementation of policy revision or elimination. In addition to the level of knowledge of the process/policy, results from the survey conducted in this study also determined if relationships existed between participants’ level of knowledge and their attitudes toward visitation and child support obligations. Although this study has made progress in answering the research questions, the results should be interpreted with an understanding of the methodological limitations of the study. The methodological limitations relate to (a) generalizability, (b) single survey use, and (c) self-reported data. The following is a brief discussion on each of these limitations.

*Generalizability:* This study is based on a frame of convenience, consisting of DCSS Fatherhood Program participants within the State of Georgia. Since this study was voluntarily, only program participants that wanted to share their experience contributed to

this study. Therefore, the results may not be generalizable to other fatherhood programs with different characteristics.

*Single survey use:* A single survey was utilized to collect data in this study. Surveys are generally known to be a powerful and useful tool for collecting data; however, although the Fatherhood Survey used in this study was able to establish the demographic profile of the Fatherhood participants. It also determined whether relationships existed between the level of knowledge of the legitimization process/policy and attitudes towards the visitation and child support obligations. The data produced by the survey results were insufficient in determining the direction of causality. In other words, the results were able to answer how participants were utilizing the legitimization process, but could not answer participants' true level of knowledge of the legitimization process/policy. This study left a yearning for additional information about the thoughts and feedback of the respondents and could have benefited from more in-depth questions with the participants or interviews to gain more understanding in regards to the significance of the legal and support services in the program to assist with paternity and legitimization process.

*Self-reported data:* The data in this study were self-reported. In this study, it is possible that participants were completely accurate in the responses and answered the questions to conform to the expectations of the study.

### **Recommendations**

Due to complicated challenges surrounding this policy that continue to affect unmarried noncustodial fathers in the state of Georgia, it is important that DCSS remain

current in their knowledge of the Healthy Family Act and continuously review effective ways to offer support services to program participants. It is, therefore, important that future research continues to address the challenges within Georgia's legitimization policy (O.C.G.A 19-7-22) and both SB 53 and 88 associated with this policy, particularly in the areas of accountability and advocacy. To that end, the recommendations are:

1. It is strongly recommended that this study be replicated in conducting face to face interviews with DCSS Fatherhood Program participants. Although sufficient information was gathered to address the three research questions in the study, the survey that was utilized did not provide more in-depth information that could have been obtained through the additional use of an interview with the participants. Gathering information in a setting where the researcher may ask follow-up questions is crucial to developing a solid perspective of why this policy should be revised or eliminated to support healthy father-child relationships.

2. Participant stakeholders should review the legitimization process/policy carefully. They should educate themselves as it relates to both SB 53 & 88. As knowledge is power and having the knowledge of the legitimization process/policy will allow participants to advocate to the courts for visitation and other concerns with child support.

3. Community stakeholders should gather the same knowledge of the legitimization process/policy so that they are able to provide community support services to unmarried noncustodial fathers that the state of Georgia cannot provide due to legal constraints.

Community stakeholders should also be able to act as an advocate for those in the community that continue to struggle with the legitimization process/policy.

4. Policy Stakeholders should review the legitimization policy, synthesize conflicting views, and develop policy options or eliminate the legitimization process from O.C.G. A 19-7-22.

### **Implications for Social Change**

The results of the study showed, participants perception of the legitimization process/policy and its impact is worthy of a critical examination. The implications for positive social change from this study includes best practices to offer Fatherhood Program participants supportive services to increase healthy father-child relationships. The study recommended key stakeholders to gain more knowledge of the legitimization process/policy that will allow advocacy to effectively influence quality life styles to the community as a whole.

The results of the current study offered positive social change specifically towards increasing the level of understanding to the legitimization process in the society at large. The advantage of this knowledge through increased awareness provided new knowledge concerning the best ways to offer representation to those that are lacking the education of legitimization as well as financial resources associated with legitimization.

### **Summary**

This study added additional knowledge to what some have already known about the legitimization process/policy, but did not have studies to support conflicting views of the policy. It extended this body of knowledge by specifically focusing on supportive



services that can be added to the fatherhood program that will potentially increase the knowledge of participants. Not only has the study revealed how participants are not knowledgeable of the legitimation process/policy; the data provided direction for the DHS and Stakeholders in revising or eliminating the legitimation process. In addition, this study provided an assessment of the participants' current level of knowledge of the legitimation process/policy and has given the stakeholders the necessary information to develop and provide appropriate stability of democratic governance by utilizing the recommendation in this study.

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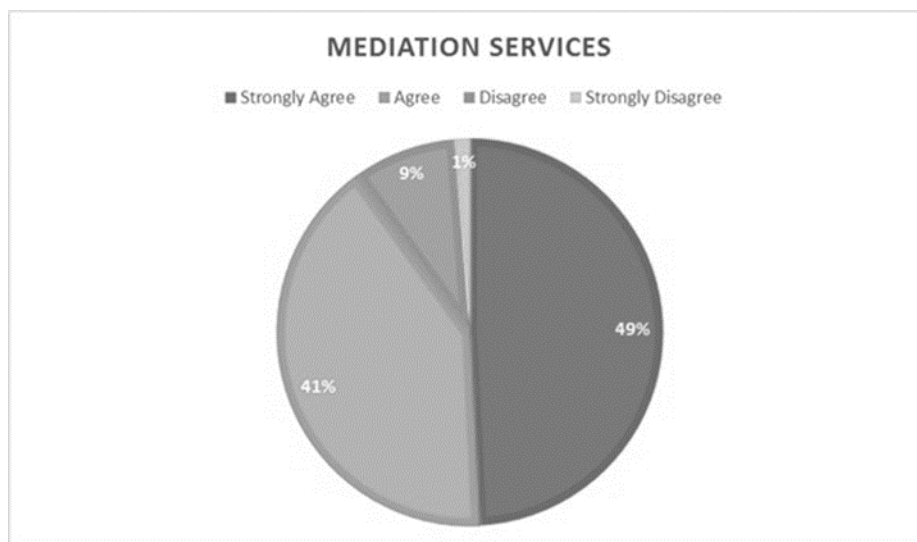
## Appendix A: Executive and Survey Report

## Appendix B: Personal Demographic Data

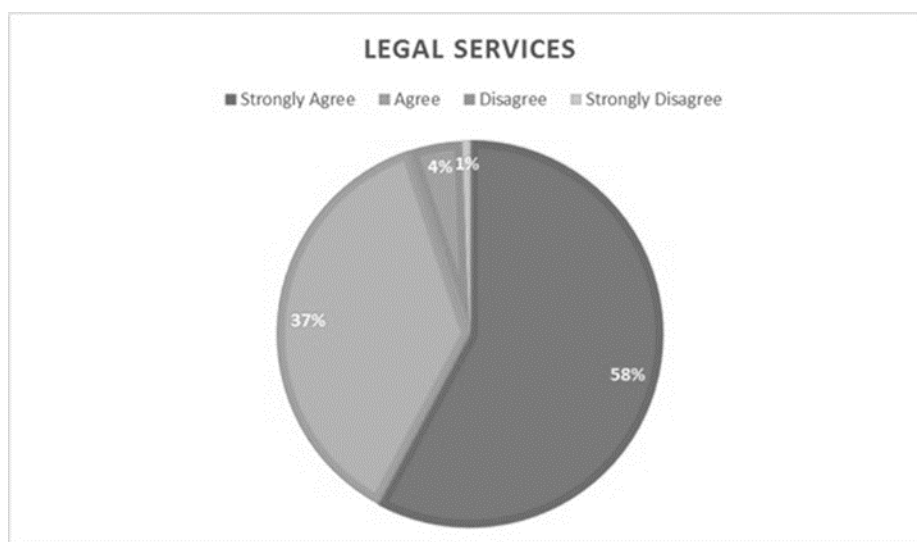
Question	Responses	<i>N</i>	%
Age Range			
	18-29	55	17.3
	30-39	138	43.4
	40-49	96	30.2
	50-59	27	8.5
	60 or older	2	0.6
Racial/Ethnic Status			
	African American	275	86.5
	White	32	10.1
	Native Hawaiian/Other Pacific Islander	7	2.2
	Asian		
	Hispanic or Latino	4	1.3
	Non-Hispanic or Latino		
Education Background			
	GED	67	21.1
	High School Diploma	109	34.3
	Tech College/AA	52	16.4
	Bachelors	23	7.2
	Graduate	8	2.5
Length in Fatherhood Program			
	0-2 Months	214	67.9
	3-5 Months	67	21.3
	6-9 Months	34	10.8
Child Support Ordered Amount			
	\$100-\$199	32	10.1
	\$200-\$299	76	23.9
	\$300-\$399	56	17.6
	\$400-\$499	55	17.3
	Over \$500	99	31.1

*Note: Responses to personal demographic questions in section one of the survey.*

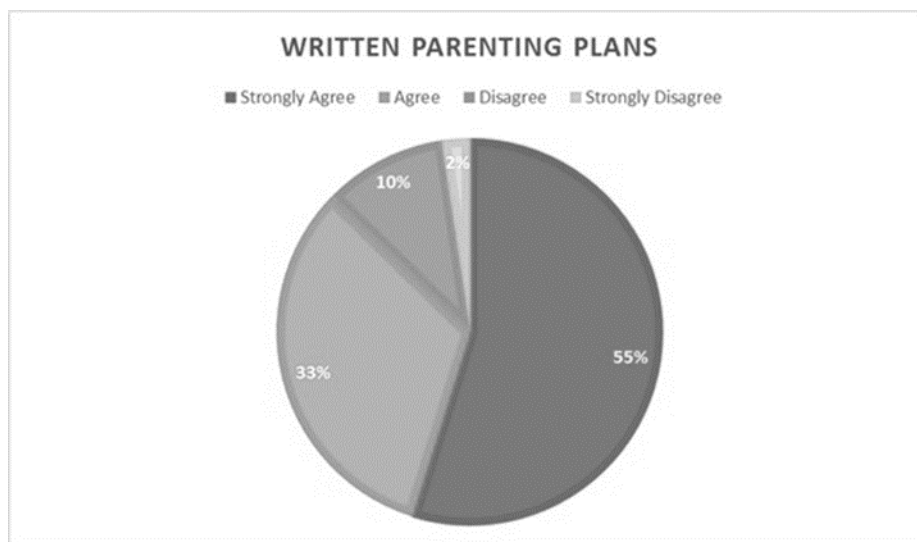
## Appendix C: Request for mediation services



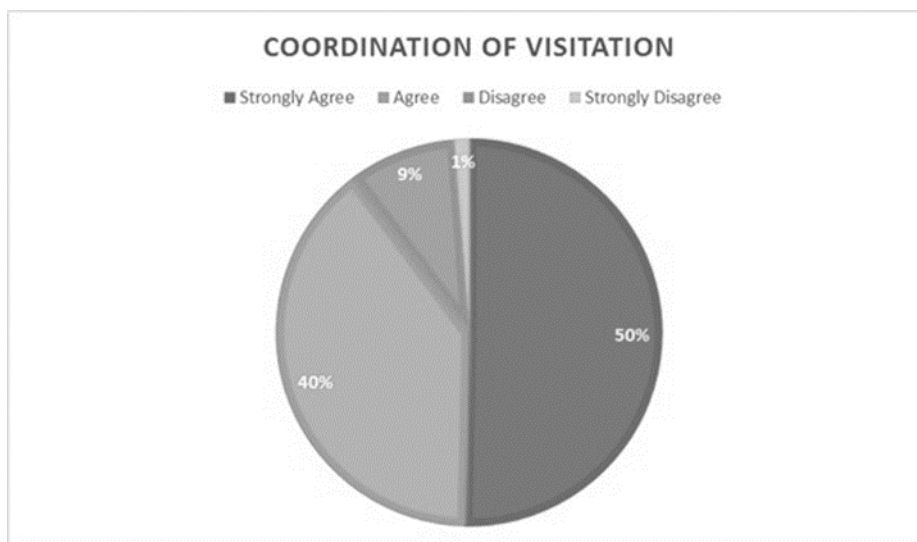
## Appendix D: Request for legal services



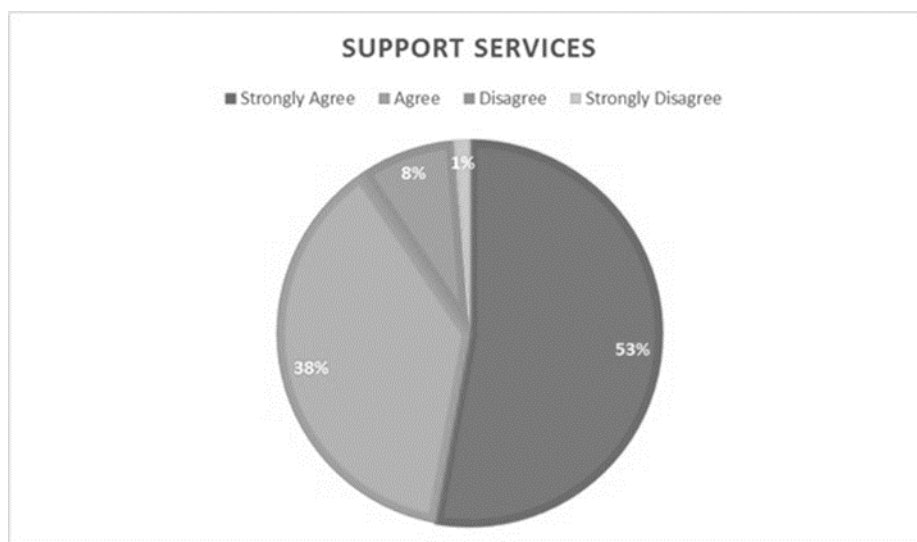
## Appendix E: Request written parenting plan



## Appendix F: Request coordination of visitation



## Appendix G: Request supportive services





## Curriculum Vitae

**Chalonda Smith****EDUCATION**

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- PhD** Walden University, Public Administration Expected January 2015  
 Dissertation: The Effect of a State Legitimation Process on Child Support  
 Payments and Father-Child Relationships.  
 Committee: Dr. Kevin Fandl (chair), Dr. Jason Lum
- MS** Alabama State University, Counseling August 1999  
 Comprehensive Writing Exam
- BSW** Alabama State University, Social Work May 1996

**EXPERIENCE**

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- Hillchase, LLC., Atlanta, GA** September 2013 to Present  
 Partner  
 Provides development and management support for new and existing nonprofit organizations with diverse backgrounds including but not limited to children and youth development, education, public health, literacy, entertainment and community development.  
 Develops strategic solutions in the areas of:
- Capacity building
  - Board development
  - Sustainability
  - Nonprofit leadership
- Wellcare, Atlanta, Ga** October 2012 to Present  
 Social Worker  
 Interviews, coordinates, and plans activities and behavioral routines to meet the social and medical needs of members and their families.
- Develops care plans for members with high level acuity needs utilizing social service expertise to evaluate the members need for alternative services and third party needs
  - Coordinates benefits, regulations, laws and public entitlement programs
  - Acts as a liaison and member advocate between the member and family; physician and facilities; and agencies
  - Assists in obtaining benefits for members through community resources when benefits are exhausted or not available

**Georgia Department of Human Services, Atlanta GA** July 2009 to October 2012  
Policy Specialist

Played a key role in reviewing federal policy directives, regulations, transmittals and proposed statutes to determine the impact on DCSS policies and procedures. Assisted the DHS and DCSS legislative liaison with monitoring newly introduced legislation to determine its impact to the Department and the Division.

- Coordinated trainings and translation of documents between field offices and the LEP/SI program
- Posted revisions to DCSS' Policy and Procedures manuals posted on ODIS using prescribed procedures
- Developed a new Employee Reference Guide for the LEP/SI program

**Hill Crest Behavioral Health, Birmingham, AL** April 2009 to-July 2009  
Therapist

Provided therapeutic counseling services to patients and patient's families that have been admitted into facility. Provided group counseling to patient and patient's families as requested by the treatment plan. Completed utilization reviews when necessary

**Planned Parenthood of South Florida, West Palm Beach** April 2008 to April 2009  
Director of Afterschool Programs-Carrera Model

Developed and implemented of all program components including staff development and training in teenage pregnancy prevention program. Provided fiscal management of the program including budget development and monthly monitoring of budget expenditures. Supervised program staff including regular site visits, reviewing and monitoring of program files, and individual/group staff meetings along with consultation.

- Developed out-sourced contracts, strategic and operational plans, policy and procedures, and vendor contracts
- Submitted grants and grant renewals for program fiscal sustainability
- Facilitated community meetings and acted as a liaison

**Children's Home Society, West Palm Beach, FL** July 2004 to April 2008  
Program Administrator

Provided daily operational oversight to foster care residents with lead community based care (Dept. of Children and Families) program and program staff including daily supervision and technical support.

- Developed program policy and procedures as it related to agency's mission and BHOS program.
- Submitted federal, state and local grants to ensure fiscal sustainability
- Played key role in COA (Council on Accreditation) re-accreditation preparation

**Maternal Child Family Health Alliance, West Palm Beach, FL** June 2002 to June 2004  
Program Manager

Provided comprehensive program and fiscal management for a major federally funded (HRSA) women's health program. Provided program oversight, daily supervision and technical assistance to community social service and mental health agencies.

- Facilitated community collaboration among Alliance members, state and federal agencies and program public relations.
- Submitted grant renewal applications, corrective action plans and quarterly reports

**Eckerd Youth Alternatives, Okeechobee, FL** January 2002 to June 2002  
Program Specialist

Provided daily operational oversight to foster care residents with lead community based care (Dept. of Children and Families) program and program staff including daily supervision and technical support.

- Facilitated and supervised daily therapy and educational groups.
- Chaired treatment team meeting ensuring multidisciplinary participation and interaction.
- Coordinated and assisted in development of transition and aftercare planning.

## **PUBLICATIONS**

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### ***Journal Publications***

Smith, C., "Youth Millennium," Focal Point, vol. 15, no. 2, 2001, p.44.

Davis, J., Smith, C. & McCants, R., "Youth Millennium 2000: Leadership in Progress" Focal Point, vol.14, no. 2, 2000, p. 28-32.

## **PROFESSIONAL AFFILIATIONS**

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Delta Sigma Theta, 1996-Present  
Member

American Society for Public Administration, 2009-Present  
Member

National Residential Advisory Committee (CWLA), 2008-2012  
Member

Pi Alpha Alpha National Honor Society, 2012-Present  
Member

Golden Key International Honor Society, 2014-Presents  
Member

**PROFESSIONAL SERVICE**

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**Council on Accreditation**

Team Leader, Military Reviewer, Lead Endorser 2006-Present

**Grant Reviewer for Family and Youth Services Bureau:****COMMUNITY SERVICE**

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**Health and Life Educational Enterprises**

Board Member, West Palm Beach, FL September 2013-current

**United Way**

Investment Volunteer, Atlanta, GA, April 2012-current

**A Change Generation**

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**REFERENCES**

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